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Office of Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057
(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2009/358

Appeal against Order dated 26.08.2009 passed by CGRF–NDPL in CG.No. 2309/07/09/BWN.

In the matter of:

M/s Kunal Creation Pvt. Ltd. - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri B.P. Aggarwal, Advocate and Shri Jagat Singh, Advocate were present on behalf of the Appellant

Respondent Shri Gautam Jaiprakash, Manager (KCC) and Shri Vivek, Manager (Legal) attended on behalf of the NDPL

Date of Hearing : 30.03.2010, 08.04.2010, 27.04.2010, 12.05.2010
Date of Order : 01.06.2010

ORDER NO. OMBUDSMAN/2010/358

1. The Appellant, M/s Kunal Creation Pvt. Ltd. through Shri S. Kumar, authorized signatory has filed this appeal against the order dated 26.08.2009 passed by the CGRF-NDPL in the case CG No. 2309/07/09/BWN, stating that the Hon'ble Forum has failed to consider the fact that most of the time voltage was more than the prescribed limit, due to which the MDI increased and there is no provision in the tariff to change the category/ tariff of the Appellant if the MDI exceeds 100 KWs. The Appellant has

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prayed that his appeal may be accepted and the order passed by the CGRF may be set-aside.

1.1 The brief facts of the case as per the records and submissions of the parties are as under:

a) The Appellant has an electricity connection bearing K. No.: 411099072464 installed at G-46, Sector – 2, DSIDC, Bawana, having a sanctioned load of 90 KW.

b) The Respondent issued a show-cause notice on 26.12.2008 informing the Appellant that the downloaded data of the electronic meter indicated that the MDI had crossed 100 KW on several occasions between 14.01.2008 and 04.10.2008. As such, why should LIP-400v category tariff may not be made applicable to him as per clause 3.2 of the Tariff Schedule and Supply Code, 2009.

c) In reply, the The Appellant stated that most of the time the voltage supplied was quite high which had caused minor increase in the MDI on several occasions between 100.2 KW to 106 Kw. The Appellant further stated that there is no provision in the tariff to levy a higher LIP tariff, if the MDI exceeds 100 KW.

d) The Respondent added an arrear of Rs.2,76,104/95 in the June, 2009 bill on account of levy of LIP tariff. Thereafter, the Appellant filed a complaint before the CGRF. The CGRF passed an order dated 26.08.2009 and decided that LIP tariff as per clause 3.2(b) of the Tariff Schedule is applicable for the billing cycles of January, February, April, June and October, 2008.

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Not satisfied with the above order of the CGRF, the Appellant has filed this appeal.

2.0 After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the Respondent, the case was fixed for hearing on 30.03.2010.

On 30.03.2010, the Appellant was present through Shri B.P. Aggarwal, Advocate. The Respondent was present through Shri Gautam Jaiprakash, Manager (KCC), Legal, Shri Vivek, Manager (Legal).

Both the parties argued at length. The Appellant contended that the voltage supply was not within the laid down parameters, hence a high MDI was recorded. The Respondent stated that the downloaded MDI data had been given to the Appellant and this shows that in several months, despite supply at correct voltage, the MDI was still high. From the data produced, it is seen that in January, March and May 2008, the MDI was high, despite the voltage being within prescribed limits. In the months of February, April and October, 2008 the higher voltage appears to have affected the MDI.

2.1 The Respondent sought time to calculate and analyze the downloaded data again and also state the policy of the company in such cases in writing, clearly indicating the months in which the MDI was in fact high despite supply at correct voltage. The provisions of the Tariff order under which the LIP bill was to be

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raised would also be indicated on the next date of hearing i.e. 08.04.2010.

2.2 On 08.04.2010, the Appellant was present through Shri B.P. Aggarwal and Shri Jagat Singh, Advocates. The Respondent was present through Shri S.K.Das, DGM –Enforcement (CEG), Shri Vivek, Manager (Legal), Shri Gautam Jaiprakash, Manager (KGG) and Shri Anshu Sinha, Executive (CEG).

The Respondent stated that they want ten days time to re-analyze the data supplied and file the revised reply. Time was granted upto 23.04.2010. Respondent was asked to give a copy of their revised reply to the Appellant. The case was fixed for further hearing on 27.04.2010.

2.3 On 27.04.2010, the Appellant was not present and telephonically requested for an adjournment through Shri B.P.Aggarwal, Advocate. The Respondent was present through Shri Vivek, Manager (Legal) and Shri Gautam Jaiprakash, Manager (KCC). The Respondent filed a fresh analysis of the down-loaded data which was taken on record. A copy of the same was given to the Appellant by the Respondent. The case was fixed for final arguments on 12.05.2010.

2.4 On 12.05.2010, the Appellant was present through Shri B.P. Aggarwal, Advocate. The Respondent was present through Shri Gautam Jaiprakash, Manager (KCC) and Shri Vivek, Manager (Legal).

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The Appellant stated that they have received the copy of the written submission of the Respondent dated 06.04.2010 and wish to state that their billing cycle and calendar months are at variance, resulting in one extra month of violation in load. The Respondent stated that the billing cycle of the Appellant was 20^{th} (00 hrs.) to 19^{th} (24 hrs.) of the next month. The Respondent also stated that they have been following the practice of allowing a tolerance of 1% as per metering standards, since the meters used for LT consumer have an error of 1%. As such the recorded MDI above 101 Kv is considered for levy of LIP tariff, allowing the benefit of the 1% error to the consumer.

3.0 As per the revised analysis and submissions made on 06.04.2010, the Respondent has agreed to withdraw the levy of LIP tariff for the billing cycle for March 2008 and October 2008. This is also acceptable to the Appellant, and as per his statement his grievance stands resolved as he is willing to pay the LIP tariff for the remaining months.

The CGRF's order is accordingly modified to the extent above. Compliance of this order may be reported within a period of 21 days.

18th June 2010.

(SUMAN SWARUP)
OMBUDSMAN