

OFFICE OF THE ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone No: 011- 26144979)

Appeal No. 36/2021

(Against the CGRF-TPDDL's order dated 30.09.2021 in CG No. 24/2021)

IN THE MATTER OF

SHRI ARMAN ANSARI

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Arman Ansari

Respondent : Shri Ajay Joshi, Sr. Manager (Legal) and Harish Purohit,
Manager, on behalf of the TPDDL.

Date of Hearing: 28.03.2022

Date of Order: 30.03.2022

ORDER

1. The appeal No. 36/2021 has been filed by Shri Arman Ansari, against the order of the Forum (CGRF-TPDDL) dated 30.09.2020 passed in CG No. 24/2021. The Appellant is residing as a tenant in the premises No.: K-17, Kedar Building, Sabji Mandi, Ghanta Ghar, Delhi - 110007, where a domestic electricity connection bearing CA No. 60004241984, in question, is installed in the name of Shri Manmohan Lal, Registered Consumer. The basic issue concerned in the Appellant's complaint before the CGRF was regarding correction of bill and checking of meter.

2. The background of the matter is that the Appellant had paid his electricity bill upto June, 2019. In February, 2020, the Respondent served him a bill of Rs.22,090/- for the period 20.07.2019 to 23.08.2019 (34 Day) for 3534 units. According to him, as per his consumption history, this bill was raised either due to faulty meter or with an intention to fraud.



The Appellant visited the Respondent's office personally and registered his complaint and they in turn assured him that his bill will be corrected. The Appellant also requested the Respondent through an e-mail that till the matter is resolved, his electricity connection should not be disconnected. In spite of that, his electricity connection got disconnected on 27.07.2020 which was restored on 14.08.2020, after follow up with the Respondent's senior officers. His electricity was again disconnected on 30.09.2020 but restored on the same day after he threatened protest before the DM office. He had also requested for the statement of his consumption history since he had occupied the premises in 2016. The same was only provided to him, when he refused to make his electricity bill payments. Due to constant denial of services and subsequent e-mails, protest etc., he received a letter dated 03.02.2021 from the Respondent stated therein that if you are not satisfied with the resolution of the case, you may lodge your complaint with the CGRF. As such, the Appellant filed a complaint before the CGRF against the Respondent for compensation of Rs.1.00 Crore for damaging his economic and social reputation and also causing mental agony to him on the basis of fraudulent electricity bills.

3. The Respondent in their reply produced the following sequence of events before the CGRF.

- | | | |
|-----|------------|--|
| (a) | 20.07.2019 | Reading recorded by the meter was 16974 |
| (b) | 23.08.2019 | Next reading recorded was 20508 |
| (c) | 05.09.2019 | A Notification No. 202163942 was generated by the Department for accuracy check of meter. |
| (d) | 13.09.2019 | Accuracy check of meter no. 42034650 was carried out and results were found (+) 1.69% with reading 20552 |
| (e) | 11.10.2019 | Premises was found locked. |
| (f) | 05.11.2019 | Usage of AC, Washing Machine and Refrigerator was found at premises. |
| (g) | 13.11.2019 | Consumer registered notification No. 2022200382 for release of bill. |
| (h) | 26.11.2019 | Process was initiated by the Respondent for downloading of data, however, same could not be |



completed due to obstruction in reaching to the Meter.

(i) 11.12.2019

New meter was issued for replacement under Mass Meter Replacement. However, consumer informed that he is out of station and wanted some time.

(j) 25.02.2020

Since the consumer regularly following up for release of bill, therefore Bill No. 40001457347 dated 25.02.2020 for the period 21.07.2019 to 25.02.2020 for Rs.20,791/- (3782 units) was issued.

(k) 23.06.2020

Disconnection notice was issued for Rs.20,790/. On the same day the Appellant sent an e-mail objecting the bill.

(l) 02.07.2020

Reply to e-mail was sent by the Respondent.

(m) 12.07.2020

Data could not be downloaded as Meter was at approx. 11 feet height and meter box nut was rusty and therefore downloading of data could not be carried out.

(n) 27.07.2020

Supply against the connection was disconnected.

(o) 05.08.2020

The consumer approached the DERC.

(p) 13.08.2020

The consumer met their District Manager and requested for restoration of connection.

(q) 14.08.2020

Supply was restored.

(r) 09.09.2020

Meter was tested wherein it was found that 'Meter Parameter Mismatch so Meter defective' hence needs replacement.

(s) 01.10.2020

Old meter was replaced with new Meter No. 96562205.



(t) 10.02.2021

Revised Bill No. 10000097059860 was issued crediting Rs. 21,045/- plus Rs. 2,588.35 was extended. Net Bill for Rs. (-) 57.31 was issued.

Apart from the above sequence of events, Respondent also replied to all the nine (9) points raised by the complainant before the CGRF. Respondent were seen trying to justify their action and the delay owing to:

- (i) Lock-down because of Covid-19
- (ii) Absence of consumer on different dates
- (iii) Height of the meter (Inaccessible to Meter Management Group Officers)
- (iv) Resistance by the consumer etc.

4. The conclusion of CGRF that the Appellant did suffer agony on account of exorbitant charges demanded by the Respondent even though meter was faulty, delay in meter replacement and disconnection for non-payment of bill. The Respondent, however, reversed the excess demand once it was confirmed that the meter was faulty. They further conveyed that disconnection of electricity connection was a normal course adopted by the Respondent to non-payment of bills. However, it was also noted that the Respondent was also working under difficult situation due to Covid-19 lockdown, and delays also occurred due to non-availability of the Appellant for meter reading/replacement.

The CGRF disposed off the case stating that there is no unresolved issue as far as the Complainant's connection is concerned. The CGRF further stated that they are of the view that for depriving the complainant from electricity supply during 27.07.2020 to 14.08.2020, an advisory be issued to the concerned officials of the Respondent to be more cautious and careful in future before resorting to disconnection.

5. Not satisfied with the final decision of the CGRF on his request for compensation of Rs.1.00 Crore and suitable penalty, he preferred the present appeal and his main prayer is as under:

- (i) That his grievance for inflated bill was resolved only after his continuous protest/follow-up by visiting the Respondent's office and subsequent intervention of their senior officials.
- (ii) That he is an Assistant Professor in a reputed college and has a reputation in the society. His social reputation got damaged by disconnecting



his electricity connection again and again. Therefore, the Respondent should be fined amounting to Rs.1.00 Crore to compensate his social reputation. The appeal was admitted for further adjudication on merit.

6. Subsequently, the appeal with its contents was shared with the Respondent for written statement on the issues raised by the Appellant.

7. The Date of Hearing was fixed for 28.03.2022. On the date, both the parties were present and submitted their respective contentions. Relevant questions were asked and queries raised by the Advisors/Secretary and also Ombudsman to understand the issues involved in the appeal. From the above discussion and also material available on record, the following issues came to fore:

(a) That consumer was not issued any bill w.e.f. June, 2019 to January, 2020, despite the request of consumer/Appellant.

(b) That a bill (allegedly inflated) was given in the month of January, 2020, for Rs. 22,090/- while showing consumption of 3748 units. This was protested by the Appellant.

(c) Seeing the unusual recording by the meter, it was got tested on 13.09.2019, and the test report did not show any abnormality.

(d) Subsequently, another bill was issued in the month February, 2020 for amount of Rs. 20,791/- and there was no effort by the Respondent to correct the same.

(e) Efforts were made by the Respondent in the month of November & December, 2019, to take down data from the meter but the efforts were unsuccessful owing to:

- (i) Absence of the consumer on two-three occasions.
- (ii) Height of the meter (10 to 11 feet)
- (iii) Resistance of the consumer

(f) Without resolving the issue of inflated bill, the Respondent resorted to disconnection of electricity connection of the Appellant on 27.07.2020. Later, because of the intervention of senior functionaries of the Respondent the connection was



restored on 14.08.2020 with no resolution of the issue of inflated bills of faulty meter.

- (g) Meter testing was undertaken on 09.09.2020 and meter showed 'Meter Parameter Mismatch' so defective. The meter was replaced on 01.10.2020.
- (h) Finally, the matter was resolved in the month of February, 2021, wherein the inflated bill was withdrawn and appropriate credit was given to the Appellant. This was done while taking into account the data of pre-replacement and post replacement of meter.

From the above issues, one thing that emerges very clearly is that there is a definite delay in responding to a complaint by the Respondent. An issue gets resolved in 18 months which should have taken few days only. Because of the delay of 18 months, the Appellant certainly suffered agony, torture, etc. at the hands of different sets of officers of Respondent. The justification given by the Respondent seems to be lame in nature for example; saying that the data could not be downloaded because meter was at a height of 11 feet. The question arises as to who fixed that meter? Is the Appellant responsible for that? What was done subsequent to that? This entire episode led to no data and no resolution of the issue and no satisfaction to the consumer and consequent agony and torture.

Apart from the delay and lame excuse given by the Respondent, the following lacunae also emerged:

- (a) Deficiencies in service by the Respondent.
- (b) Billing cycle of 30-35 days as presented in Regulation (SOP) para 38(2) not followed. Bill dated 29.01.2020, given after approximately 190 days.
- (c) Inaccurate bill.
- (d) Faulty Meter testing
- (e) Meter found defective on 09.09.2020 but the meter was changed after 21 days as against 15 days time as stipulated in Regulation (SOP) at Para 38 and Schedule - 1.

7. On going through the details of the matter as discussed above, we feel that the Respondent's officials have acted in an unprofessional manner in dealing with the grievance of Shri Ansari. We further observe that it was primarily due to lack



of proper coordination among the concerned departments of Respondent and it would have been appropriate to have clearly explained the issue to complainant so as to avoid confusion and miscommunication.

8. This Forum has also considered the pleadings of the Respondent on which they has spoken about the abnormal situation (Covid-19) which has hampered their normal functioning and taken toll on their efficiency. It is a certainly a fact that there was lockdown w.e.f. March, 2020 to June, 2020 and there is no denying that a few of the officers and men may have suffered from the pandemic which may have led to "fewer hands" and "foot on the ground". Yet this Forum also takes cognizance of the fact that these "fewer hands" have sent the notice of disconnection and have actually disconnected the electricity despite the fact that an analysis, though prolonged, was being undertaken by the Respondent in the matter of inflated bill sent to the consumer.

9. This Forum also looks at a scenario when there was less/no effect of pandemic:

June, 2019 to March, 2020

June, 2020 to October, 2020

January, 2021 to April, 2021

The Respondent should have acted in right earnest during the above duration to settle the grievance of the Appellant.

10. After going through the above discussion, the appeal, the contention of the Appellant, the written statement of the Respondent, their respective rejoinders, I am of considered opinion that the Appellant has suffered immensely at the hands of the officers of the Respondent. Howsoever, the intention of the Respondent being good and howsoever the claim that the issue has been resolved, yet the fact remains that the issue of inflated bill could be resolved only after a lapse of more than one year. In this duration the Appellant had to undergo lot of mental harassment, had to write letters, e-mails, had to meet various officers of the Respondent and even approach the Delhi Electricity Regulatory Commission (DERC) to get his grievance settled.

11. In view of the foregoing, I am of considered opinion that the Respondent have erred in appreciating the grievance of the Appellant and have delayed the entire process by few months. As they say "justice delayed is justice denied". In this case also it tantamounts to denial of justice despite the claim of the



Respondent that they have resolved the issue. From the above, it is also clear that the officers manning various desks in the Respondent Company hierarchy lack a basic sense of public spiritedness, i.e. "empathy". This subject must be added to their syllabi of basic training/orientation and this word with attendant spirit be added to the vocabulary of various employees having consumer/customer interface. Human Resource Department must do the needful immediately.

While addressing the second issue, i.e. compensation, I am of the opinion that the Respondent must undertake the followings:

- (i) Identify the officers responsible for this delay and warning be given to them with an entry in their service books.
- (ii) The Appellant be compensated to the tune of Rs.25,000/- for the sufferings he endured. This is as per the calculation done provided for in Schedule -1 of DERC (Supply Code and Performance Standards) Regulations, 2017. This is also to assuage the feeling of agony, torture and harassment caused to the Appellant. The amount of compensation as mentioned above be given directly to the Appellant through cheque/IMPS etc.. This also should act as a reminder to the Respondent to be careful in future and adhere to DERC Supply Code.

12. In view of the above, the appeal is disposed off.



(P.K.Bhardwaj)
Electricity Ombudsman
30.03.2022