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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/2010/371

Appeal against Order dated 27.01.2010 passed by CGRF-BYPL in the complaint no. 184/12/09.

In the matter of:

Smt. Rekha

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

- Respondent

Present:-

Appellant

Shri Surendra Singh, Advocate attended on behalf of the Appellant

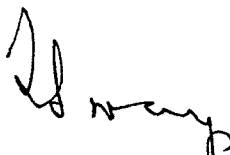
Respondent

Shri Amit Kumar, AM, (PS)
Shri Ravinder Singh Bisht, Asstt. Gr. III. and
Shri Pawan Mahur, Legal Retainer attended on behalf of BYPL

Date of Hearing : 04.06.2010
Date of Order : 10.06.2010

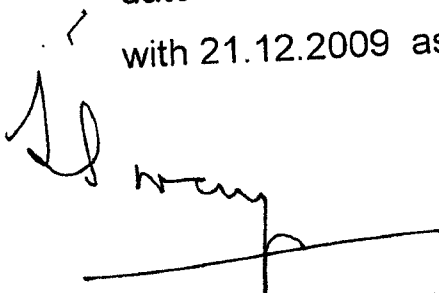
ORDER NO. OMBUDSMAN/2010/371

- 1.1 The Appellant Smt. Rekha has filed this appeal against the order dated 27.01.2010 passed by the CGRF-BYPL in the complaint no. 184/12/09 with the prayer that her bill be revised under the Voluntary Declaration Scheme 2007-08 and 2008-09, alongwith cost of meter, was done in other cases.


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1.1 The background of the case as per the contents of the appeal, the CGRF's orders and submissions made by the Respondent is as under:

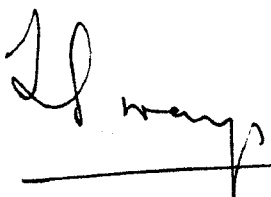
- a) On 08.04.2009, the appellant applied for changing the tampered meter No. 23908488 with a sanctioned load of 5 Kw. As no action was taken, the Appellant made a written complaint to the Vice President, BYPL, Dilshad Garden on 18.07.2009. The Appellant also made a complaint before the Public Grievance Cell.
- b) On 03.10.2009, the Respondent inspected the premises of the Appellant, and recorded that the meter was tampered with and a DAE case was made out in the inspection report. The Respondent issued a show-cause notice asking the Appellant to file a written reply and to appear for a personal hearing on 19.10.2009. Another show-cause notice dated 31.10.2009 was again issued directing the Appellant to file a reply and also to appear for a personal hearing on 25.11.2009. Thereafter, the Respondent passed a Speaking Order dated 03.12.2009 stating that a case of DAE was established, with a connected load of 5.106 Kw, under non-domestic category. An assessment bill for theft of electricity dated 10.12.2009 was raised for an amount of Rs.1,05,055/-, with 21.12.2009 as the due date for payment.


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- 1.2 The Appellant filed a complaint before the CGRF stating that though she had applied for change of meter on 08.04.2009, the meter was replaced belatedly only on 03.10.2009. She was being threatened by raising of a bill for theft of electricity on account of tampering of the meter. She requested for raising of her bill as per the Voluntary Declaration Scheme 2007-08 and 2008-09, as had been issued to other consumers and also requested for compensation for delay in replacing the tampered meter.

The Respondent stated before the CGRF that the bill of the Appellant had been revised as per the Voluntary Declaration Scheme which comes to Rs.51,312/- and in addition to this, the Appellant has to pay the cost of the meter i.e Rs.2,431/- against the net assessment earlier made for Rs.1,05,055/-. Thus, the Appellant will have to pay only 51,312/- plus the cost of the meter.

The CGRF in its order directed the Respondent to issue the bill in the correct format applicable for all cases where a consumer voluntarily declares his meter to be tampered, as provided under Clause 55 of the Supply Code of DERC. The Appellant was also awarded a compensation of Rs.1,000/- for the harassment caused due to delay in change of the tampered meter as per rules and issuance of arbitrary show-cause notices for DAE and raising of a wrong assessment bill for theft.


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

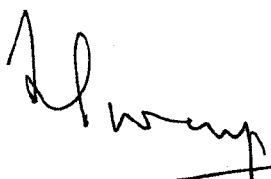
- 1.3 After scrutiny of the contents of the appeal, the CGRF's order and the submissions made by both the parties, the case was fixed for hearing on 04.06.2010.

On 04.06.2010, the Appellant was present through Shri Surendra Singh, Advocate. The Respondent was present through Shri Ravinder Singh Bisht, Asstt. Gr. – III, Shri Pawan Mahur, Legal Ratiner and Shri Amit Kumar Tyagi, AM (PS).

Both the parties argued their case. The Appellant stated that she is claiming the relief under the Amnesty Scheme for tampered meters. The Appellant could not however produce a copy of the scheme under which relief was being sought.

The Respondent stated that no special Amnesty Scheme for tampered meters was applicable in this case. The Appellant had declared voluntarily that her meter was tampered and provisions of Clause 55 of the Supply Code are attracted.

- 2.0 After hearing both the parties it is evident that, this case is covered under clause 55 of the Supply Code issued by the DERC in 2007. It is therefore decided that under clause 55 of the Supply Code, the bill be raised for six months consumption on LDHF


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formula prior to the date of voluntary declaration by the Appellant that her meter was tampered. For the period thereafter, till the date of change of meter i.e. 03.10.2009, the consumption be assessed as 'meter defective' period. The bills be raised on the basis of average consumption recorded for twelve months after the change of the tampered meter on 03.10.2009.

The revised bill be raised immediately as provided under Clause 55 of the Supply code and Performance Standards, 2007, as indicated above.

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

10th June 2010.


(SUMAN SWARUP)
OMBUDSMAN