

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/2010/374

Appeal against Order dated 25.03.2010 passed by CGRF–BYPL in the complaint no. 15/02/09.

In the matter of:

Shri Pawan Kumar

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

- Respondent

Present:-

Appellant The Appellant Shri Pawan Kumar was present in person

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/2010/374

1.0 The Appellant Shri Pawan Kumar has filed this appeal against the order dated 25.03.2010 passed by the CGRF-BYPL in the complaint no. 15/02/09 with the prayer that his bill be revised under the Voluntary Declaration of Tampered Meter Scheme 2008-09, alongwith recovery of meter cost, as was issued earlier in other cases.


10. 06. 2010

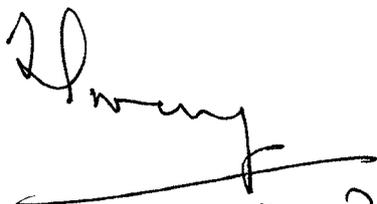
- 1.1 The background of the case as per the contents of the appeal, the CGRF's orders and submissions made by the Respondent is as under:

On 18.04.2009, the appellant applied for replacing his tampered meter under the Voluntary Declaration of Tampered Meter Scheme issued by the DERC. The meter was not replaced immediately as required under the Supply Code. The Respondent inspected the premises on 27.08.2009 and declared the meter to be tampered with a 3.060 Kw connected load under non-domestic category. Based on the inspection report, the Respondent issued a show-cause notice for a DAE case.

The Respondent issued an assessment bill for theft dated 12.01.2010 for an amount of Rs.68,817.00 with 22.01.2010 as the due date for payment.

- 1.2 The Appellant filed a complaint before the CGRF with a request for raising of bill for declared tampered meter on the same basis as bills were earlier issued to other consumers under the Voluntary Declaration of Tampered Meter Scheme 2008-09.

The Respondent stated before the CGRF that the bill of the Appellant had now been revised as per the VDS Scheme for an amount of Rs.35,571/-, including the cost of meter


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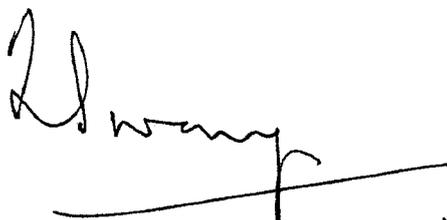
The CGRF in its order directed the Respondent to issue the bill in the correct format applicable to all cases of voluntarily declaration of tampered meters, under section 55 of the Supply Code of DERC, with the facility to the complainant to pay the entire revised bill in three equal bi-monthly installments, alongwith current dues.

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

2.0 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 the first hearing on 04.06.2010.

On 04.06.2010, the Appellant Shri Pawan Kumar was present, in person, along with 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 he is claiming relief under the Amnesty Scheme announced for tampered meters. The Appellant could not however produce a copy of the scheme under which relief was being sought.


10.06.2010

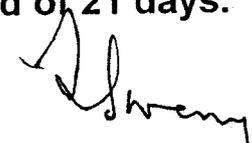
The Respondent stated that this case is covered under clause 55 of the Supply Code issued by the DERC in 2007 as the Special Amnesty Scheme was not applicable at the time the declaration of tampered meter was made.

3.0 After hearing both the parties, it is decided that under clause 55 of the Supply Code, the bill is to be raised for six months consumption prior to the date of voluntary declaration of the meter being tampered, on LDHF formula. After 18.04.2009 till the date of change of meter i.e. 27.08.2009, the consumption is to be assessed as 'meter defective' period. The average consumption for twelve months after the change of meter will be the base period for assessing the meter defective period.

A revised bill be raised 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 may be reported within a period of 21 days.

10th June 2010


(SUMAN SWARUP)
OMBUDSMAN