

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/2010/376

Appeal against Order dated 29.03.2010 passed by CGRF–NDPL in C.G.No. 2623/01/10/NRL.

In the matter of:

Smt. Poonam

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri Prem Prakash husband of the Appellant was present on behalf of the Appellant

Respondent Shri K.L. Bhayana (Consultant)
Shri Dhananjay Kumar Singh, (HOG- R&C)
Shri S.S. Antil, Commercial Manager, NRC, nd
Shri Vivek, Manager (Legal) attended on behalf of the NDPL

Date of Hearing : 08.09.2010, 22.09.2010

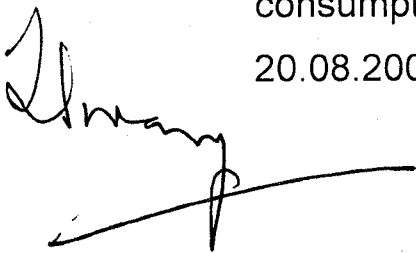
Date of Order : 04.10.2010

ORDER NO. OMBUDSMAN/2010/376

1.0 The Appellant, Smt. Poonam, has filed this appeal against the order of the CGRF-NDPL in the case C.G.No. 2623/01/10/NRL dated 29.03.2010, requesting for disciplinary action against the concerned official of the Respondent for wrongly disconnecting her electricity without any notice, and for payment of higher compensation, taking into account the acute harassment and expense suffered by her as also for the loss of wages of her husband.

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

- i) The Appellant had an electricity connection K. No. 43100130062 at her premises in Village Khampur Panchayat, Gharwali Gali, Delhi-110036 for 1 KW. The load was enhanced to 5 KW in April 2009 as per the request received from the Appellant on 28.03.2009. The meter was however replaced on 20.08.2009 with 'meter faulty' (burnt) remarks.
- ii) The Appellant received an electricity bill No. 909626385 for Rs.1,660/- for the month of September 2009 showing the due date of payment as 03.10.2009. She did not receive the assessment bill sent earlier. The Respondent, however, wrongly disconnected the electricity connection without any prior notice on 08.10.2009.
- iii) The Appellant visited the office of the Respondent on 08.10.2010 for restoration of electricity supply. The Respondent informed the Appellant on 09.10.2009 that the electricity meter was found burnt in August 2009 and demanded Rs. 12,601/- towards the pending dues due to assessment for the meter defective period from 12.03.2009 to 20.08.2009. The assessment was made as the consumption recorded during the period 12.03.2009 to 20.08.2009, was unusually low.

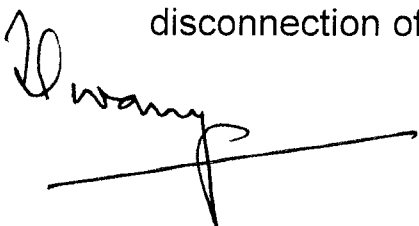


- iv) The Appellant paid the amount of Rs. 12,601/- for restoration of electricity supply because her children were appearing in their half yearly examinations.

2.0 The Appellant thereafter filed a complaint dated 19.10.2009 before the CGRF, against the wrongful disconnection of electricity on 08.10.2009, without any prior notice. It was also stated that an amount of Rs. 12,601/- was wrongly charged on the basis of the consumption recorded by her old meter No. 03303727 instead of the consumption recorded by the new meter No. 41221122 installed at her premises.

The Respondent clarified before the CGRF that the meter No. 03303727 was replaced on 20.08.2009 with 'meter faulty' (burnt) remarks. The old meter recorded abnormally low consumption between 12.03.2009 till its replacement on 20th August 2009, and hence he assessment amount for this period was payable by the Appellant.

The CGRF-NDPL, after taking into consideration the records and averments of the parties, in its order dated 29.03.2010, decided that the amount assessed for six months for the meter defective period i.e. from 12.03.2009 to 20.08.2009, was payable by the Appellant. The basis of assessment was to be the consumption recorded between 07.02.2008 to 12.03.2009, when the meter was in order. This was provided in the DERC Supply Code and Performance Standards Regulations, 2007. The CGRF-NDPL also awarded a compensation of Rs. 500/- to the Appellant for the harassment caused to her due to wrongful disconnection of electricity without any prior notice.



The Appellant, not satisfied with the aforesaid order of the CGRF-NDPL has filed this appeal, praying for a higher amount of compensation for wrong disconnection of her electricity supply without any prior notice, and has also requested for action against the Respondent's erring officials.

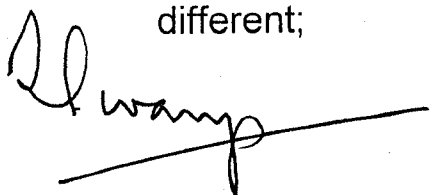
3.0 The first hearing in the case was fixed on 08.09.2010 after obtaining the required clarifications from the Respondent.

On 08.09.2010 the Appellant was not present. The Respondent was present through Shri K. L. Bhayana (Consultant), Shri S. S. Antil (Commercial - Manager NRC), Shri Dhananjay Kumar Singh (HOG- R & C) and Shri Vivek (Manager - Legal).

The Respondent stated that the old meter was found burnt and had to be replaced in August 2009. It was also stated that the electricity consumption recorded between March to August 2009 was unusually low. It was also stated that the consumer had got her electricity load enhanced from 1.00 KW to 5.00 KW in March 2009, when an air conditioner was installed in the premises.

The Respondent was asked to provide the following clarifications before the next date of hearing:-

- i) To reconcile the meter numbers recorded on the meter Replacement Report and the meter installed at site, as these were different;



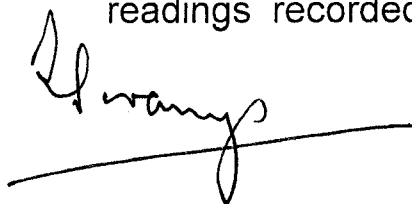
- ii) The date of receipt of the complaint of the meter being burnt;
- iii) A copy of the Test Report, declaring the meter to be defective.
- iv) Details of the electricity consumption after August 2009 to July 2010 when the new meter was recording correctly.

The next hearing was fixed on 22.09.2010.

4.0 At the next date of hearing on 22.09.2010, the Appellant was represented by her husband Shri Prem Prakash. The Respondent was represented by Shri K. L. Bhayana (Consultant), Shri. S. S. Antil (Commercial - Manager NRC), Shru Dhananjay Kumar Singh (HOG- R & C) and Shri Vivek (Manager - Legal).

Both the parties were heard. The Appellant at the outset pointed out the high handedness and rude behavior and unhelpful attitude of the officials of the Respondent towards consumers and their problems when they visit their offices. He stated that no notice was given before disconnection of his electricity supply. Legally, the Respondent could not issue bills on average consumption basis when the meter had not stopped recording. Further, the Respondent on 04.08.2010 again came to remove the meter from her premises without any notice, and without expiry of the 60 days permitted for payment with LPSC.

The Respondent stated that the consumption of electricity recorded between March 2009 and August 2010, was '0', '1', and '149' units respectively bi-monthly (during the six months period). The low readings recorded clearly reflect that the meter was not functioning




properly. However, it was confirmed that the meter was not tested, nor was it available for testing at this stage. This meter was replaced being faulty (burnt) in August 2010, and a complaint to this effect was made by the consumer on 18.08.2009.

- 5.0 After considering the facts on record and the arguments of the parties, it is clear that the meter was not recording the correct consumption between March 2009 and upto 20.08.2009 when it was changed. The Respondent was directed to raise the bills of the consumer for the period March 2009 to 20.08.2010 on the basis of the average consumption recorded for one year i.e. between March 2008 to February 2009. Further, as no notice for disconnection of electricity supply was given to the Appellant, causing undue harassment, a compensation of Rs. 2,000/- be paid to the Appellant. Rs. 60/- recovered as reconnection charges be also refunded.

The Respondent was also asked to take disciplinary action against its officials who were responsible for disconnection of electricity supply without giving the required notice.

The above order be implemented within a period of 21 days from the date of the order.

4/5 October 2010 .


(SUMAN SWARUP)
OMBUDSMAN

Office of the 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/2010/376

Appeal against Order dated 29.03.2010 passed by CGRF–NDPL in CG.No. 2623/01/10/NRL.

In the matter of:

Smt. Poonam

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant

Shri Prem Prakash husband of the Appellant was present on behalf of the Appellant

Respondent

Shri K.L. Bhayana (Consultant)
Shri Dhananjay Kumar Singh, (HOG- R&C)
Shri S.S. Antil, Commercial Manager, NRC, nd
Shri Vivek, Manager (Legal) attended on behalf of the NDPL

Date of Order : 04.10.2010

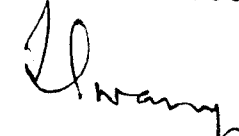
Date of Corrigendum: 23.11.2010

CORRIGENDUM

ORDER NO. OMBUDSMAN/2010/376

In the Ombudsman's Order No.Ombudsnab/2010/376 dated 04.10.2010, in the last para No. 5.0, the second sentence should be read as under:

"The Respondent was directed to raise the bills of the consumer for the period March 2009 to 20.08.2009 on the basis of the average consumption recorded for one year i.e. between March 2008 to February 2009."


(SUMAN SWARUP)
OMBUDSMAN

23.11.2010.