

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/2011/383

Appeal dated 15.07.2010 against Order dated 26.03.2010 passed by CGRF–BRPL in case no. CG-461/2009.

In the matter of:

Shri D.B.S. Gujral - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri D.B.S. Gujral was present in person

Respondent Shri P.K. Mishra, DGM, and
Shri Anar Singh, S.O. attended on behalf of BRPL,

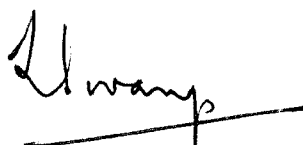
Date of Hearing : 26.10.2010, 22.02.2011

Date of Order : 28.02.2011

ORDER NO.: OMBUDSMAN/2011/7/383

1.0 The Appellant, Shri D.B.S. Gujral, has filed this appeal against the order of CGRF dated 26.03.2010 in CG No.461/2009, requesting for correction of his excessive electricity bill dated 28 September, 2009, for a sum of Rs.13676/-, later revised to Rs.11790/-.

2.0 The brief facts of the case as per the records and averments of the parties are as under:


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- i) The Appellant is a senior citizen, having an electricity connection K. No. 2541C4032516 with a sanctioned load of 6.86 KW for domestic purposes at his premises A-487, Sarita Vihar, New Delhi-110076.
- ii) The Appellant received an electricity bill for Rs. 13,670/- dated 28.09.2009, for the bill month of September 2009 for a consumption of 3006 units.
- iii) The Appellant approached the office of the Respondent for correction of this inflated bill, as this was much higher than his consumption in the past. The Respondent reduced the bill to Rs. 11,790/-.

3.0 The CGRF-BRPL received a complaint from the Appellant on 06.11.2009, stating that the electricity bill for September, 2009 was excessive in comparison to his electricity consumption in the past.

The Respondent clarified before the CGRF that as per the Meter Test Report dated 14.12.2009, the meter was running fast by +2.01% and there was earth leakage of electricity in the premises. It was also stated that the bills upto the month of September 2009 had been revised i.e. for the period 18.12.2008 to 24.09.2009 at reading 23672, and slab benefit of Rs. 1,881.85 given to the Appellant.

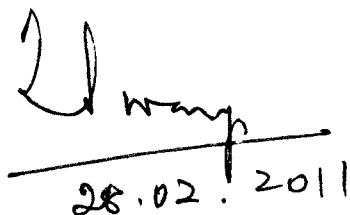
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The Appellant stated before the CGRF that there was no electricity leakage in the premises as per the second Test Report dated 04.01.2010, and the readings for August and September 2009 were excessive.

The CGRF-BRPL, after taking into consideration the facts and circumstances of the case as per the records and the statements of the parties, concluded vide its order dated 26.03.2010 that electricity leakage was found in the premises, and the meter on testing though fast, was found to be within permissible levels of accuracy. Therefore the Appellant was required to pay the electricity bill for September 2009, as the excess readings are not attributable to the respondent.

The Appellant, dissatisfied with the CGRF'S order, again contacted the CGRF-BRPL, requesting for correction of the bill on the basis of the average readings of the previous year. The Chairman-CGRF during a chamber meeting directed the Respondent to again check the meter.

The Respondent at the next hearing on 22.06.2010, informed the CGRF-BRPL that the aforesaid electricity meter was tested and no leakage was found as per the Meter Testing Report dated 21.06.2010.

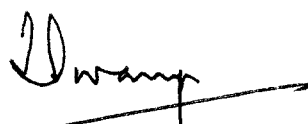

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4.0 The Appellant aggrieved by the order of the CGRF-BRPL has filed this appeal dated 15.07.2010, praying for setting aside of the aforesaid order of the CGRF, and for grant of appropriate relief.

The Respondent in their reply dated 01.09.2010 have stated that as per the Meter Test Report dated 21.06.2010, there was no electricity leakage in the premises and the consumption was comparable to the Appellant's past consumption pattern.

4.1 The first hearing in the case was fixed on 26.10.2010, after obtaining the required clarifications. On 26.10.2010 the Appellant was present in person. The Respondent was represented by Shri P.K. Mishra (DGM) and Shri Anar Singh, (S.O.).

The Appellant stated that he was regularly paying the electricity bills without any dispute, except the excessive bill for the months of August & September 2009. The Respondent, on the other hand, submitted that the two bills for the months of April – May and June - July were sent on the basis of manual readings which appeared to be inaccurate. The Appellant's bill for September 2009 was however correct. His consumption pattern for the year 2009 was comparable to the consumption in 2008 and 2010, i.e. one year before and one year after the disputed period.

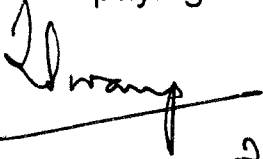

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The Respondent was directed to confirm the accuracy of the meter through Third Party Testing as the BSES Lab Reports were conflicting, and to submit the report before the next date of hearing. The Respondent forwarded the ERDA's Meter Testing Report dated 30.12.2010, which showed that the meter was 0.03% fast i.e. within the permissible limits of accuracy. The next hearing was fixed on 22.02.2011.

4.2 On 22.02.2011, the Appellant was present in person. The Respondent was represented by Shri P.K. Mishra (DGM) and Shri Anar Singh, (S.O.).

The Respondent argued that while all the readings had been downloaded, two readings for the months April – May and June – July, 2009 had been recorded manually. These readings reflected very low consumption of 368 and 157 units, and appear to be inaccurate. The reading taken on 24-09-2009 of 23672 units was however correct as it was a downloaded reading. It can therefore be presumed that the readings taken manually were incorrect and had been therefore correctly ignored by the Discom, to arrive at the correct consumption of the consumer during the peak summer months. For the period 18.12.2008 upto September 2009, the readings had been recast to give the slab benefit to the Appellant.

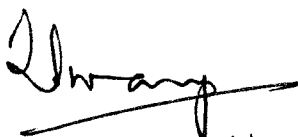
On the other hand the Appellant argued that he had been regularly paying the bills as per readings recorded for the previous months,


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and there was no reason why any correction of his previous bills should be done when the meter was running accurately and recording the consumption accurately. The consumption of 3006 units shown in the September, 2009 bill was unusually high compared to his consumption in the months of August and September in the previous year 2008, or thereafter, in 2010.

- 4.3 From the report of ERDA dated 30.12.2010, it is clear that the Appellant's meter No.: 13262759 is working accurately and is recording the correct consumption. It is also evident that the meter had been wrongly read manually by the employees of the Respondent, resulting in erroneous billing for the months of April, May, June and July, 2009. The Respondent should immediately have resorted to downloading of the readings for these months in 2009 itself, which could have given a clear picture of the actual consumption of the Appellant during the summer months. Instead of doing this, they have inflated the bill for the months of August and September, to compensate for the two inaccurate low readings taken manually for the previous two cycles. This is neither ethical, nor provided for in the DERC's Regulations.

Since downloaded readings are not available at this stage for the period April to July, 2009, no revision of the bills for this period can be done by the Respondent, since neither was the meter faulty nor had the Appellant refused to pay the bills raised. The consumption of 3006 units reported for the months of August and September,

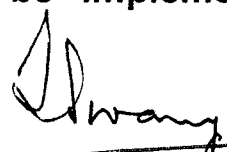

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2009 is also not only excessive, but, has been manipulated to compensate for the inaccurate manual readings in the previous two cycles.

- 5.0 Under the circumstances, I do not see any reason why the Appellant should be penalized for the inaccurate readings taken by the Respondent's employees or the incorrect lab reports of the BSES laboratory, reporting leakage of electricity in the premises. The bill for the months of August, September, 2009 should be revised on the basis of the consumption recorded during the same period i.e. August and September 2010. The bill for Rs.13,670/- for a consumption of 3006 units should be revised, and a fresh bill raised. Payments already received for this period should be adjusted and the slab benefit given should also not be withdrawn.

A compensation of Rs.2,000/-, to be paid by cheque, is also awarded for unnecessary harassment caused to the consumer due to inaccurate manual meter readings, and incorrect lab report, and resultant inaccurate bill raised by the Respondent. The order of the CGRF is set aside and the matter is accordingly disposed of. The order may be implemented within a period of 21 days.

28th February 2011


(SUMAN SWARUP)
OMBUDSMAN
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