

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
Tel. No. 3250 6011 Fax 2614 1205

Appeal No.: F/ELECT/Ombudsman/2010/388

Appeal against Order dated 14.07.2010 passed by the CGRF-BRPL in CG. No.160/2010

In the matter of:

Shri Ajay Kumar Verma - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:

Appellant Shri Ajay Kumar Verma was present in person

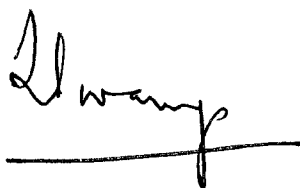
Respondent Ms. Sobhana, Senior Manager (D), Nangloi on behalf of BRPL

Date of Hearing : 30.11.2010

Date of Order : 30.11.2010

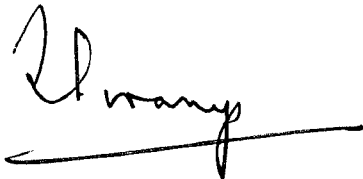
ORDER NO.: OMBUDSMAN/2010/388

1.0 The Appellant, Shri Ajay Kumar Verma, has filed this appeal against the order of the CGRF-BRPL dated 14.07.2010, requesting for setting aside the aforesaid order, rectification/correction of the impugned bill of Rs.13,300/- received in December 2009, for the period 04.10.2009 to 05.12.2009, for refund of the excess amount paid by him, and for enhancement of compensation awarded by the CGRF.



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

- (a) The Appellant has an electricity connection K. No 2630 J2700231 & CRN No. 2630067868 at his premises C-91, Vandana Vihar, Nangloi, Delhi-110041 for a sanctioned load of 2 KW for domestic purposes. He was regularly paying all his electricity bills and there was no arrear claim till October, 2009.
- (b) The Respondent, in December 2009, suddenly sent an electricity bill of Rs. 13,300/- dated 09.12.2009 for the period 4.10.2009 to 5.12.2009.
- (c) The Appellant visited the office of the Respondent and made a written complaint dated 29.12.2009 for checking and rectification of the aforesaid electricity bill, but there was no positive response. He received in February, 2010, another electricity bill of Rs.14,020/- dated 04.02.2010, which included current charges for the period 5.12.2009 to 29.01.2010, arrears of Rs.13,300/-, and LPSC of Rs.399.06. He again made a written complaint on 12.03.2010 for the checking of the defective meter and rectification of the bill.
- (d) The Respondent informed the Appellant to deposit 80% of the aforesaid bill of Rs.14,020/-, otherwise his electricity supply would be disconnected. The Appellant on 29.03.2010 had to deposit Rs.10,000/- under protest, to avoid disconnection of electricity supply to his premises.



He stated that being a poor typist he had to surrender the METLIFE policy of his wife to urgently make the payment. He also made on 29.03.2010 a further payment of Rs.800/-.

3.0 The Appellant on 31.03.2010 filed a complaint before the CGRF, praying for the refund of Rs.10,800/- and waiver of the LPSC of Rs.399.06 paid by him under protest to the Respondent. He also prayed for compensation of Rs.25,000/- for the financial loss, harassment and mental tension caused to him.

3.1 The CGRF during the deliberations on 13.07.2010 found that the 'Meter Check Report', submitted by the Respondent, was defective and not as per the requirements of Annexure VII of the DERC's Regulations.

The CGRF after considering the records and representations made by the Parties, vide its order dated 14.07.2010 observed that as per the Respondent's Meter Test Report dated 30.06.2010, the electricity meter of the complainant remained defective with effect from 29.12.2009 (date of complaint) to 30.06.2010 (date of meter testing). The CGRF, therefore, directed as under:

- i) assessment of the meter defective period w.e.f. 31.12.2009 to 30.06.2010 to be done on the basis of consumption of the previous one year w.e.f. 29.06.2008 to 05.12.2009;



- ii) adjustment of the payment made by the Appellant during the meter defective period;
- iii) withdrawal of the LPSC levied; and
- iv) payment of compensation of Rs.2000/- to the complainant on account of mental and physical harassment caused to him.

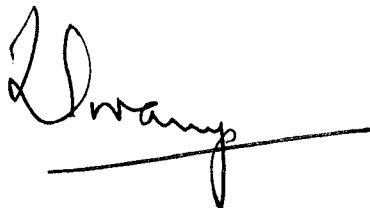
4.0 The Appellant, not satisfied with the order of the CGRF, filed this appeal on 23.08.2010 and prayed as under:

- (a) To set-aside the CRGF's order dated 14.07.2010,
- (b) For correction of the electricity bill for the meter defective period 4.10.2010 to 30.10.2010,
- (c) To award compensation of Rs.25,000/-,
- (d) To maintain status-quo of supply of electricity till the final disposal of the case.

5.0 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 hearing on 30.11.2010.

On 30.11.2010, the Appellant, Shri Ajay Kumar Verma, was present, in person. The Respondent was present through Ms. Sobhana, Senior Manager (D), BRPL, Nangloi.

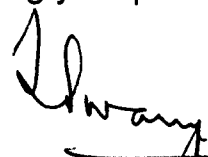
Both the parties presented their case. From the arguments of the Appellant and the records of the Respondent, it is clear that the meter remained defective between 05.10.2009 to



30.06.2010, since the consumption of 2967 units during the period 04.10.2009 to 05.12.2009 is abnormally high vis-à-vis the regular consumption pattern of the Appellant. The fact that the meter was declared defective on 30.06.2010, after numerous complaints between December 2009 and June 2010, also confirms that the high consumption recorded for the period 04.10.2009 to 05.12.2009 was due to the meter being defective. The Discom should have in fact tested the meter in December 2009 itself rather than in June 2010, as the consumption from October 2009 onwards was almost six times higher compared to the consumption in the previous cycle, despite the fact that consumption is normally higher in the summer months.

- 6.0 It is therefore decided that the consumption for the above period 05.10.2009 to 30.06.2010 be assessed on the basis of the average consumption for the previous 12 months. No LPSC be levied and the amount already paid by the Appellant be adjusted. Slab benefit should be given for the five billing cycles falling in the period 05.10.2009 to 30.06.2010. The compensation of Rs.2,000/- awarded by the CGRF, along with any excess amount paid by the consumer, should be paid by cheque to the Appellant. The matter is accordingly disposed of.

20th November 2010 -


(SUMAN SWARUP)
OMBUDSMAN