

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/2010/393

Appeal dated 03.09.2010 against Order dated 30.07.2010 passed by CGRF-BRPL in case no. CG-124/2010.

In the matter of:

Shri M.S. Darbari - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant The Appellant Shri M.S. Darbari was present in person

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

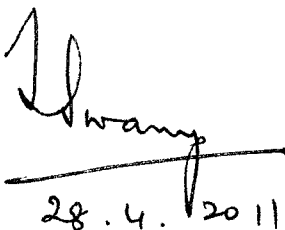
Date of Hearing : 06.01.2011, 07.02.2011, 22.02.2011

Date of Order : 28.04.2011

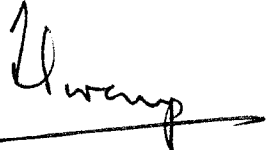
ORDER NO.: OMBUDSMAN/2011/393

1.0 The Appellant, Shri M. S. Darbari, has filed this appeal against the order of the CGRF-BRPL in CG. No. 124/2010 dated 30.07.2010, disputing the revised bill of Rs.34,780/- for the period May 2003 to December 2007.

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


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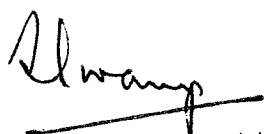
- i) The Appellant is the registered consumer of electricity connection K. No. 2540 C0090444, with a sanctioned load of 5 KW at present for domestic purposes at his premises A-157, 2nd Floor, New Friends Colony, New Delhi-110025. The initial sanctioned load of 15 KW was reduced to 5 KW in July 2003 as per his request.
- ii) According to the Appellant, his premises remained locked between July 2002 and upto the latter part of 2008, therefore, there was no consumption of electricity during this period. He has stated that the meter was however changed on three occasions, and continuous ad-hoc billing @Rs.950/- p.m. for two years prior to August 2002 and for 1800 units p.m. during 2003 to 2004 was resorted to by the Discom. The meter was installed on 24.03.2003 and the Appellant is of the view that the reading of 11598 units had not been deducted from the revised bill for 32,900 units as on 27.7.2010. He has also disputed the bill for Rs.34780/- as further revised as per CGRF's orders.
- iii) According to the Appellant, the Respondent sent an electricity bill in January, 2008, (after almost five years of change of meter) showing a credit amount of Rs. 37,385/- in his account, as he had deposited Rs.44,000/- in June 2004. The Respondent, subsequently sent a revised bill for February 2008, showing a debit adjustment of Rs. 67,000/-.


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iv) The Appellant has stated that he requested the Respondent vide his letter dated 20.09.2008, and subsequent reminders dated 16.03.2009, 30.06.2009, 22.09.2009, 28.10.2009 and 20.02.2010 for correction of the aforesaid electricity bills, because his premises had remained locked between 2002 and 2008, and there was no consumption of electricity. The Respondent instead of correcting the bills, threatened to disconnect the electricity supply, if the aforesaid bills were not paid.

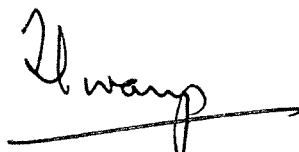
3.0 The Appellant filed a complaint before the CGRF on 10.03.2010, praying for revision ^{or} inflated bills.

a) The Appellant informed the CGRF that he had cleared all the electricity bills upto May 2003 and thereafter the first bill was received only in January 2008. He had made an advance payment of Rs. 44,000/- in June 2004 and had also applied for reduction of load from 15 KW to 5 KW. He also stated that his electricity supply was disconnected, which was restored on deposit of Rs. 200/- and his meter was changed twice or thrice. The Appellant, however, could not produce a copy of the receipt for payment of Rs.200/- for the restoration of the supply nor the dates of change of meters. He produced a receipt for payment of Rs. 800/- and the BSES letter dated 10.07.2003 regarding reduction of the load from 15 KW to 5 KW. He also stated


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that the aforesaid bills of January / February 2008 were barred by limitation under Section 56 of the Electricity Act.

- b) The Respondent stated before the CGRF that in their records the Appellant's connection was shown as "disconnected" from July 2002 to January 2007 and therefore the system did not generate electricity bills during the period. In fact, on the request of the Appellant the supply of electricity was restored on 24.03.2003, and the meter was installed. It was also stated that the Appellant had made a payment of Rs. 44,000/- on 01.05.2004 due to which the bill for January 2008 showed a credit balance, before its revision in February 2008.
- c) The CGRF after perusal of the records and after hearing the parties directed as under in its order dated 30.07.2010:
 - i) There was no dispute about the electricity bills upto May, 2003. The Respondent did not raise electricity bills for the period July 2002 to December 2007 due to the supply being shown as disconnected in their system. The CGRF concluded that there was no merit in the contention of the Appellant that the bill was not payable as it was barred under the limitation specified under Section 56(2) of the Electricity Act. The contention of the Appellant that the meter No. 27012237 installed in March 2003 at his premises might have been changed later could not be proved


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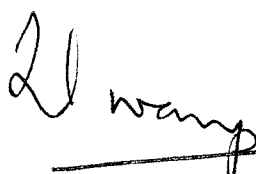
as the same meter number was shown in all subsequent electricity bills, although the load was found to have reduced in July 2003. The CGRF decided that the bills would need to be revised keeping in view that the load was reduced w.e.f. July 2003 from 15 KW to 5 KW.

The Appellant, not satisfied with the aforesaid order of the CGRF, has filed this appeal for adequate relief in respect of his electricity bills for the months of January and February 2008.

4.0 After perusal of the records and after obtaining the required clarifications, the first hearing in the case was fixed on 06.01.2011.

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

The Appellant's main contention is that his premises was vacant between September 2002 to November 2008 and as such during the period there was no consumption of electricity. He also expressed the apprehension that the meter was faulty and had been changed. The Respondent however stated that as per their records there was high consumption of electricity between March

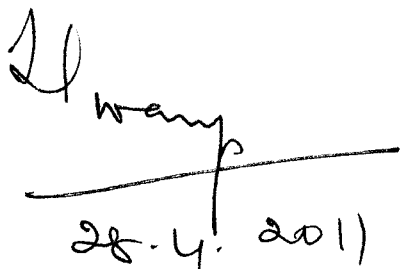

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2003 to May 2004, though no bills were raised till January 2008 due to a system aberration.

Both the parties were directed to produce documentary evidence in support of their contentions and the next hearing was fixed for 07.02.2011.

4.1 On 07.02.2011, both the parties were present and argued their case.

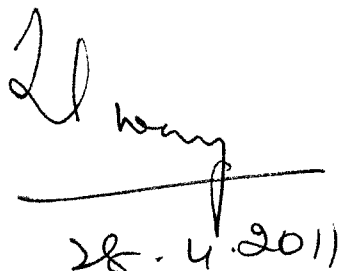
- a) The Appellant reiterated his contentions, but could not produce any documentary evidence, such as water or telephone bills or property tax receipts etc., to establish that his premises remained vacant between March 2003 to May 2004, and during the period, there was no consumption of electricity. The Respondent, on the other hand, stated that the premises was occupied during the period and the Appellant also obtained reconnection of electricity in March 2003. However, this fact was not recorded in their system for billing purposes, due to which regular bills for electricity consumption could not be raised. The new meter installed on 24th March 2003 recorded consumption of '20,630' units of electricity upto November 2008.


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b) The Respondent was directed to get the meter tested through a Third Party (ERDA) to remove any apprehension about the correctness of the electricity meter installed at the Appellant's premises in March 2003, and available at site even now. The next hearing was fixed on 22.02.2011.

4.2 On 22.02.2011, the Respondent produced the Meter Test Report of the ERDA dated 09.02.2011. This Report confirms that the electronic meter installed in March, 2003 continues at site even today. The Report also confirms that the meter no. 27019237 is functioning correctly, and has a margin of error of +0.22, which is within the permissible limit of variation. The Appellant argued that no copy of the Test Report was given to him, and the fact that he had refused to sign the report, was also incorrect. The Appellant reiterated that meter no. 27019237 was removed and subsequently reinstalled at his request, as the Appellant was not residing in the said premises. No documentary evidence could however be produced by him, either regarding removal of the meter, or its reinstallation on payment of the required fee.

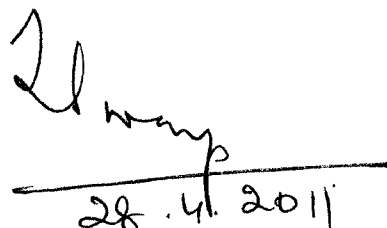
4.3 Perusal of the meter reading chart produced by the Respondent shows that the first manual reading of the new meter No. 27019237 installed in March 2003 was taken only on 08.09.2003 i.e. after a lapse of six months. Thereafter also several manual


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readings were taken. These were neither fed into the Discom's billing system, nor utilized for raising bills. It is accepted both by the Appellant and the Respondent that the billing dispute relates only to the consumption between May 2003 to May 2004, and during this period no bills were raised or received.

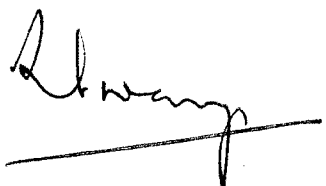
4.4 From the facts of the case, it is evident that the meter installed in March, 2003 and which is still at the site, was an electronic one, and there was no reason for manual readings to have been taken by the Respondent. The manual readings were also not fed into the system, nor bills generated. The Respondent gave no cogent reason for taking of four manual readings from the electronic meter or for not raising bills for the disputed period for four and a half years. There is evidence on record to show that the Appellant had sought reduction in load from 15 KW to 5 KW in July, 2003. This fact also was not recorded in the system, and was admitted by the Respondent only before the CGRF. This reflects poorly on the quality of service and record maintenance by the Discom, which has led to the current dispute, and harassment of the consumer.

4.5 The Appellant in his letter dated 29.09.2008 and 04.10.2008 addressed to General Manager (B) BSES – BRPL has clearly stated that the premises remained locked from June 2004 to October 2008. This contradicts his statement that the premises


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remained locked from July 2002 to October 2008. The fact that the meter was changed in March 2003 and reconnection was done and load reduction was also sought in July 2003, points to the fact that the premises was not locked and supply was in use during the period May 2003 to May 2004. The consumer is also unable to produce any record to corroborate his statement that the premises remained vacant during the disputed period between May 2003 to May 2004. It is seen that the consumption prior to May 2003 and after May 2004, is much lower and the premises was perhaps unoccupied. However during the intervening period of about one year, the consumption is unusually high and there is a sudden spurt in consumption during the period.

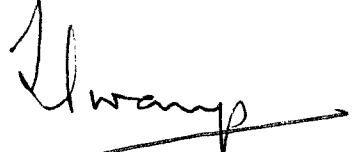
- 4.6 No doubt there have been serious lapses by the Respondent in not feeding the details of the readings from the new meter and in not raising of bills regularly, or indeed in keeping the record of reduction of load from 15 KW to 5 KW in July 2003. The fact that the same meter is available at the site and is working correctly leads to the conclusion, that electricity has been consumed during the disputed period, since subsequent downloaded readings are in sequence of the manual readings.


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4.7 In the facts and circumstances of the case, the order of the CGRF appears to be just and fair, since the manual readings taken in the disputed period are consistent with the downloaded readings taken later and the meter has been tested for accuracy by a Third Party. The CGRF has already given relief to the Appellant by waiving of the LPSC. The bill has also been revised on the basis of the reduced load of 5 KW w.e.f. July 2003. For the harassment caused to the appellant due to the series of lapses of the Respondent discussed above, a compensation of Rs.10,000/- is awarded, to be paid by cheque.

The compliance report be submitted by the Respondent within a period of 21 days of this order.

28th April 2011


SUMAN SWARUP)
OMBUDSMAN