

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/2011/399

Appeal dated 12.10.2010 against Order dated 24.06.2008 passed by
CGRF-BRPL in case no. CG-101/2008.

In the matter of:

Smt. Arvinder Kaur - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

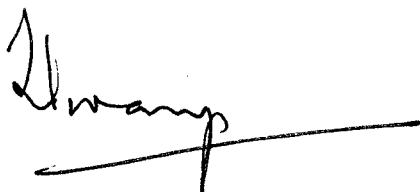
Appellant The Appellant was not present

Respondent Smt. Sobhna, (Nangloi Branch), attended on behalf of
BRPL,

Date of Hearing : 16.12.2010, 18.01.2011
Date of Order : 28.02.2011

ORDER NO.: OMBUDSMAN/2011/8/399

1.0 The Appellant, Smt. Arvinder Kaur, has filed this appeal against the order of the CGRF No. CG/101/2008 dated 24.06.2008, requesting for correct calculation of her electricity consumption on KVAH basis, as per the applicable Tariff order for the year 2005-06.



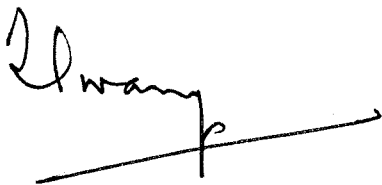
2.0 The brief facts of the case as per records are as under:

2.1 The Appellant is the registered consumer of K. No. 26300B170016 with a sanctioned load of 20 KW (NX) at her premises House No. 124, 2nd Floor, Guru Harkishan Nagar, New Delhi.

2.2 The Appellant's normal consumption of electricity on KWH basis was in the range of '500' to '600' units and she was regularly paying her electricity bills upto 23.10.2006. However, suddenly she received a bill for the month of November, 2006 amounting to Rs. 4,02,200/- for 30 days consumption of '78,460' units i.e. from 04.10.2006 to 04.11.2006.

2.3 The Respondent sent a disconnection notice dated 28.06.2007 due to which, she had to deposit part payment of Rs. 90,000/-, on 11.05.2007. She subsequently received another disconnection notice dated 04.02.2008.

2.4 The Appellant, requested the Respondent for the correction of the aforesaid electricity bill vide her letters and reminders dated 20.03.2007, 13.07.2007 and 22.02.2008, but there was no response.

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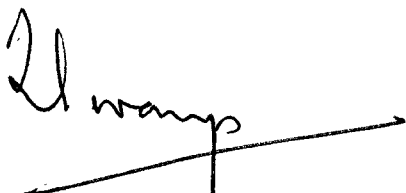
3.0 The Appellant therefore filed a complaint before the CGRF dated 10.12.2009 for the correction of her aforesaid electricity bill for the month of November, 2006.

3.1 The Respondent informed that the Appellant's bill was revised for the period 08.08.2006 to 03.04.2007 on the basis of the current and past pattern of consumption of electricity. It was clarified that the Appellant's meter reading on 08.08.2006 and on 03.04.2007 were '76135' and '105058' respectively on KVAH basis. As such, a bill for '28923' units (i.e. 105058-76135) was sent to the Appellant on KVAH basis for Rs. 1,77,997.43. Earlier a credit of Rs. 5,07,110.05 was also given on account of wrong billing for the same period, as per consumption pattern on KVAH basis.

3.2 The Appellant informed that the old electricity meter was replaced on 05.03.2008 and subsequently her commercial activity stopped due to the sealing drive of the MCD.

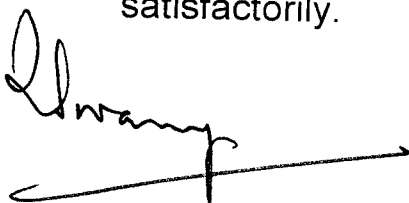
3.3 The Respondent informed that after change of her electricity meter on 05.03.2008, the electricity consumption was negligible, but the Appellant did not pay any bill after May 2007.

3.4 The CGRF observed that the complaint of the consumer pertained to the electricity bill for the month of November



2006, issued on KVAH basis for ' 78460' units on an erroneous reading of '8040' on 04.10.2006 and ' 86500' on 04.11.2006.

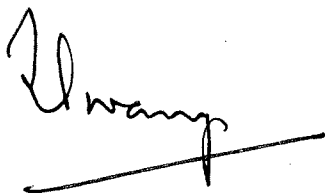
- 3.5 The Respondent also clarified that her bill was revised for the period 08.08.2006 to 03.04.2007. The earlier bill raised on KWH basis, was required to be issued on KVAH basis as per the Tariff order. The actual reading of the meter on 08.08.2006 was reported to be '76135' KVAH and the actual reading of the meter on 03.04.2007 was '105058' KVAH. As such, the bill was raised for '28923' units amounting to Rs. 1,77,997.43 and necessary credit was given to the Appellant as per the KVAH consumption.
- 3.6 The Appellant stated that her consumption of electricity in terms of KWH was in the range of 500 to 600 units per months. However, the consumption in terms of KVAH was about ten times higher.
- 3.7 The Respondent clarified that the meter was replaced on 05.03.2008 considering the abnormal difference of consumption in KWH and KVAH basis. The Respondent also submitted a Meter Change Report dated 05.03.2008 and "Analysis Report" carried out by its meter testing laboratory on 15.03.2008, which indicated that the meter was working satisfactorily.



3.8 The CGRF-BRPL concluded that there was no justification for keeping the cut off date as 03.04.2007 with reading of '105058' KVAH when the previous readings taken on 04.11.2006, 13.12.2006, 11.01.2007, 07.03.2007 were not declared erroneous. However, the reading of '8110' recorded on 0.09.2006 and '8040' on 04.10.2006 were absurd. The readings of '76135' on 08.08.2006 and '86500' on 04.11.2006 were consistent with other readings.

4.0 The CGRF in its order dated 27.06.2008, after taking into consideration the records and averment of the parties, directed as under:

- i) As per the Tariff order 2005-06, the Appellant's bills for load of more than 10 KW and upto 100 KW for non-domestic purpose had to be prepared on KWH basis prior to 15.07.2005 and then revised on KVAH basis w.e.f. 15.07.2005. Further, where KVAH meter were not provided as per the Tariff order 2005-06, the KVAH consumption had to be estimated assuming average power factor of 0.87 during the relevant period.
- ii) In the present case, as the sanctioned load of meter No. 26300B170016 was reflected as 20 KWH for non



domestic purpose, the bills had to be raised on KVAH basis w.e.f 15.07.2005.

- iii) The Respondent was directed to revise the bills on KVAH basis if the readings could be downloaded w.e.f. 15.07.2005 onward. However, in case, the detail of electricity consumption on KVAH basis were not available on a monthly basis, the same could be calculated by dividing the consumption in KWH basis by the average power factor of 0.87 as per the Tariff order 2005-06. Further, all payments made by the consumer would be accounted for and no LPSC charges to be levied.

5.0 The Appellant not satisfied with the aforesaid order of CGRF has filed this appeal, praying for correct calculation of her electricity consumption on KVAH basis as per the applicable Tariff for the year 2005-06.

5.1 After obtaining the required clarification, the first hearing in matter was fixed on 16.12.2010, which was postponed to 18.01.2011,

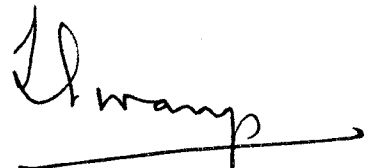
5.2 On 18.01.2011, the Appellant was not present. The Respondent was represented by Smt. Shobhna (Nangloi Branch).



5.3 It was informed that the Appellant was negotiating a mutual settlement with the Respondent. Accordingly adjournment of the matter to 08.01.2011 was sought, and the direction to file the duly executed mutual settlement, if reached, between the parties was given.

5.4 The Appellant vide her letter dated 27.01.2011 has filed a copy of settlement dated 25.01.2011 executed between the parties. Subsequently, the Respondent vide letter dated 18.02.2011 have submitted the calculation sheet indicating how the settlement amount of Rs.1,00,000/- was worked out. The mutual settlement dated 25.01.2010 and the calculation sheets were taken on record, and the case disposed off as mutually settled, as per the agreed terms and calculation of payable amount.

28th Feb. 2011


(SUMAN SWARUP)
OMBUDSMAN