

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/2010/400

Appeal dated 15.10.2010 against Order dated 24.06.2010 passed by CGRF–BRPL in case no. C.G.No.81/2009.

In the matter of:

Shri Trilok Chand Gupta - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri Manish K. Choudhary, Counsel attended on behalf of the Appellant

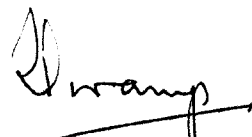
Respondent Shri Navdeep Arora, DGM-B,
Shri T.D. Ganotra, S.O., Punjabi Bagh
Shri Jitendra Nalwaya attended on behalf of BRPL

Date of Hearing : 09.12.2010, 14.12.2010

Date of Order : 03.01.2011

ORDER NO.: OMBUDSMAN/2010/400

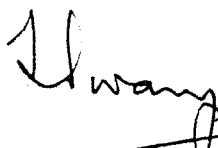
1.0 The Appellant, Shri Trilok Chand Gupta, has filed an appeal dated 15.10.2010 against the CGRF's order dated 24.06.2010, requesting for setting aside of the CGRF's order, revision of the bill for K. No.2640T25210267, and for award of compensation for harassment. He has also moved an application for restraining the Respondent from disconnection of electricity supply in respect of electricity connections bearing CRN No. 2640076831, 2640076830 &


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2640134772 in the name of Dharam Chand Gupta and 2640076882 in the name of Shri Pramod Gupta.

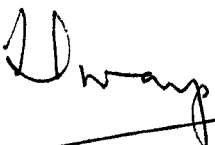
2.0 The background of the case as per the records is as under:-

- (a) An electricity connection K. No.2640T25210267 was registered in the name of Shri Trilok Chand Gupta for domestic use. The Appellant received a bill for the month of July 2006, for a consumption of '10720' units, which compared to his earlier consumption, was found to be abnormally high. The supply was disconnected due to non-payment by the consumer of this bill and the arrears of this bill were transferred to the other four connections bearing CRN No. 2640076831, 2640076830, 2640134772 and 2640076882, existing in the same premises, by the Respondent.
- (b) The Appellant filed a complaint before the CGRF. The CGRF vide its order dated 24.06.2009 observed that the consumer had filed an application dated 12.10.2006 before the officials of the Respondent, stating that the meter for CRN 2640T25210267 is faulty. The officials changed the old electro-mechanical meter and replaced it by an electronic meter on 02.11.2006. At the time of replacement of the meter, the final reading of '41385' was recorded by the old meter. The consumer protested against the excessive reading of 41385 recorded at the time of replacement of the meter, as according to him '12327' units cannot be consumed in a period of two months.


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The CGRF held that the complainant had to prove that this reading was excessive and for this purpose he was called upon to produce the Meter Change Report, which he could not. The officials of the Respondent also could not produce the Meter Change Report, and they submitted the computer generated detailed particulars of the complainant's connection, which contained the old meter particulars and also a final reading of '41385'. This document was presumed to be correct on the ground that it was prepared in the office of the Respondent in the ordinary course of the discharge of official business. There was no documentary proof with the complainant to dispute the same. The CGRF therefore concluded that the reading recorded at the time of the replacement of the old meter No. 23454912 as '41385', was correct.

- (c) The CGRF also observed that the complainant could not prove that there was 'jumping' of the meter while recording of the readings on 30.06.2006 (42494), 31.08.2006 (42494) & 02.11.2006 (41385). The meter was replaced on 02.11.2006, and the consumer challenged the aforesaid readings after a period of more than 2-1/2 years, and the action on the part of the consumer was held to be belated, and therefore could not entertained.
- (d) The CGRF also held that from perusal of the consumption pattern of the consumer, it is explicitly clear that the readings had not been recorded after reading the meter at site, as these were varying between 4 units to 12327 units. The reading


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recorded on 30.06.2006 was not found to be excessive, nor was it found that the meter was faulty or had 'jumped'.


- (e) The CGRF also observed during deliberations that there may be a case of shifting of load from one meter to another meter, as five meters exist in the three storeyed building. The CGRF directed that the licensee shall take steps to provide one connection for a single unit, and remove the extra electrical connections from the aforesaid building, after completing all necessary formalities.

The Forum held the view that the licensee was justified in its action and the consumer was liable to pay the bill for the month of July 2006.

3.0 Not satisfied with the order of the CGRF. The Appellant has filed this appeal, and has prayed that:

- The CGRF's order dated 24.06.2009 be set aside
- The Respondent be directed to revise the bill as per his average consumption
- The Respondent be restrained from disconnection of the electricity supply
- Compensation of Rs.50,000/- for mental harassment, agony and tension as well as the cost of appeal be paid to him.

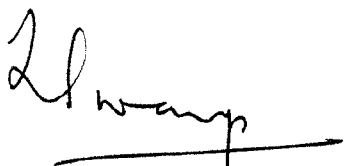
4.0 After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the Respondent, the case was fixed for hearing on 09.12.2010.


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On 09.12.2010, the Appellant, Shri Trilok Chand Gupta, requested for an adjournment through Shri Manish K Choudhary, Counsel. The Respondent was present through Shri Navdeep Arora (DGM-B) and Shri T.D.Ganotra(S.O), Punjabi Bagh. The Respondent was directed to produce Meter Change Protocol, K. No. files and Statements of Account for all five meters existing in the premises for two years prior to July 2006, and for one year after the change of the meter. The case was adjourned to 14.12.2010.

- 4.1 On 14.12.2010, the Appellant, Shri Trilok Chand Gupta, was present through his counsel Shri Manish K Choudhary. The Respondent was present through Shri Navdeep Arora (DGM-B) and Shri T.D.Ganotra(S.O), Punjabi Bagh.

Both the parties argued their case. The Respondent produced the K. No. files of all five connections, as also the statements of meter readings for all five meters. On a perusal of the meter readings for the disputed meter, these are found to be highly erratic between June 2005 to June 2006, and as such, cannot be relied upon. It is further observed that the meter was changed on 02.11.2006, but neither the Appellant nor the Respondent could produce the 'Meter Change Protocol', and the fact that the document was not available was admitted by both the parties. Further, it is on record that a meter faulty complaint was filed by the consumer in October 2006, subsequent to which the meter was changed on 02.11.2006. From this inter-alia an inference can be drawn that the meter was changed as it was found to be faulty. The meter after removal should have been tested, which unfortunately was also not done.


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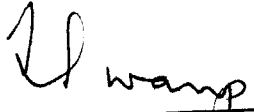
4.2 From a perusal of the consumption pattern also it is evident that the meter was presumably faulty during the period June, 2005 to June, 2006, since the consumption recorded bi-monthly is highly erratic i.e. 42 units on 22.06.2005, 901 units on 24.08.2005, 4 units on 26.10.2005, 66 units on 24.12.2005, 408 units on 21.02.2006, 1017 units on 22.04.2006 and 12327 units on 30.06.2006.

5.0 The above facts lead to the conclusion that the meter was not recording the correct consumption being faulty between June 2005 to June 2006. As per the Regulations of the DERC, assessment is to be done for a period of six months for faulty meters, based on the consumption recorded for one year. Accordingly, the bills of the Appellant be revised for a period of six months prior to 02.11.2006, including the disputed bill for July 2006. The consumption recorded during the period April 2004 to April 2005 be taken as the basis for the purpose of assessment.

The consumer has agreed to pay the bills so revised, during the hearing. Hence, the transfer of dues of electricity connection K. No. 2640T25210267 to the other four connections existing in the premises, is not called for.

The order of the CGRF is accordingly modified. Compliance of this order may be reported within a period of 21 days.

3rd January 2011


(SUMAN SWARUP)
OMBUDSMAN