

Office of 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/2011/414

Appeal against Order dated 20.01.2011 passed by CGRF–NDPL in CG.No. 3113/11/10/MGP (K.No.42205256510).

In the matter of:

Shri Devender Kumar - Appellants

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant The Appellant was not present

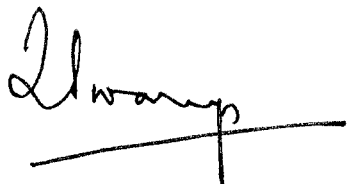
Respondent Shri K.L. Bhayana, Adviser,
Shri Aniruddh Sinha, (HOG-R&C, Badli)
Shri Ashok Mann (AG-1, Badli) and
Shri Vivek, Manager (Legal) attended on behalf of the
NDPL

Date of Hearing : 26.05.2011

Date of Order : 09.06.2011

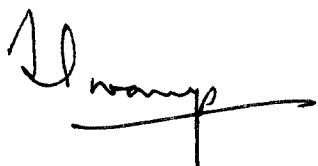
ORDER NO. OMBUDSMAN/2011/414

1.0 The Appellant, Shri Devender Kumar has filed this appeal against the orders dated 20.01.2011 passed by the CGRF-NDPL in the case CG No.:3113/11/10/MGP in respect of the wrong assessment bill for electricity connection K. No.42205256510, and for accounting for the amount of Rs.3,600/- deposited by him in the year 2005, as a SPD connection holder.



1.1 The background of the case as per the contents of the appeal, the CGRF's order, and the reply filed by the Discom is as under:

- (a) Subsequent to taking over of the SPD connection by the NDPL, the Appellant's meter for K. No. 42205256510, was replaced on 14.11.2008 at a final reading of 646 units against the connection, which was energized on 28.02.2007 for a load of 1 KW NL.
- (b) The Respondent raised the assessment bill for a period of six months i.e 14.05.2008 to 14.11.2008, the date of replacement of the existing meter by a new meter, treating the meter as stopped/defective. The assessment was restricted to six months and was made on the basis of the average consumption for the period 14.11.2008 to 06.11.2009, as per Clause-43 of the DERC's Regulations, 2007.
- (c) The CGRF vide its order dated 20.01.2010, observed that immediately after replacement of the meter on 14.11.2008, it started recording the consumption. As per Regulation 43(ii) of the DERC's Supply Code & Performance Standards Regulations, 2007, the amount Rs.5,613/- was assessed as the amount payable for the period 14.05.2008 to 14.11.2008 on the basis of the consumption recorded during the period 14.11.2008 to 06.11.2009, as the consumption prior to the date of replacement of the meter was not available. The amount was reflected in the account of the complainant by the Discom. The contention of the complainant was that the



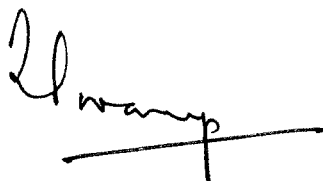
request for "meter not in use" is not applicable in the case of non-domestic consumers. This was not accepted by the Discom and was considered as non-maintainable as no documentary proof was submitted by the Appellant. The CGRF observed that as per the meter replacement protocol sheet dated 14.11.2008, it is clearly mentioned that the meter was found stopped at the time of replacement, and also immediately after replacement of the meter, heavy consumption was recorded.

- (d) The Forum further ordered the payment of the assessment amount by the consumer and waived the LPSC. The security deposit with the SPD contractor was also to be accounted for by the Respondent in the consumer's account.

Not satisfied with the orders of the CGRF-NDPL, the Appellant has filed this appeal contending that his meter was not defective but stopped at the time of replacement as it was not in use.

- 2.0 After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by the Respondent, the case was fixed for personal hearing on 26.05.2011.

On 26.05.2011, the Appellant was not present. He had separately requested for excusing his attendance on account of being a Senior Citizen and has stated that the decision of this Forum will be acceptable to him. The Respondent was represented by Shri



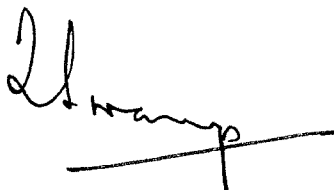
K.L.Bhayana (Advisor), Shri Vivek (Legal Manger), Shri Aniruddh Sinha (HOG-R&C, Badli) and Shri Ashok Mann (AG-I, Badli).

The Respondent produced the K. No. 42205256510 file and Meter Change Protocol, copies of which were taken on record, and they were advised to furnish the policy regarding take over of SPD connections from contractors by the Discom, and the policy adopted for recovery of installation / security charges and their status, with respect to reflecting these in the consumer's account.

- 2.1 The Respondent furnished the necessary policy and the internal directions of the Discom. On perusal of the same, it is observed that pursuant to the DERC's Directive No. F11(20)/DERC/2003-04/Vol.II/1720 dated 27.08.2005, the NDPL's Office Order dated 27.04.2006 was issued clarifying the policy under the heading "Amount to be charged from Consumer", and the relevant part of this directive is reproduced below:

"2.a For existing consumers, Development Charges, Service Line Charges and Consumption Deposit shall **NOT** be charged, IF the consumer provides any one of the following documents:

- i. Copy of the latest paid bill for energy consumed, **OR**
- ii. Copy of the receipt or Certificate from SPD contractor with respect of payment of development charges and/or service line changes, duly associated with the Consumption Deposit Receipt.

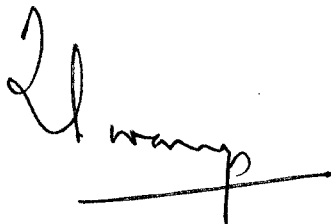


However, if existing Consumers are not able to furnish any of the above mentioned documents, then all Miscellaneous Charges as mentioned above shall be charged."

From the record produced, it is observed that the consumer deposited an amount of Rs.3,600/- on 7.7.2005, and as per the NDPL's Office Order dated 31.03.2003, is constituted of Rs.3,000/- towards installation charges per connection, and Rs.600/- as consumption deposit per KW.

From the above, it is clear that the Appellant paid an amount of Rs.3,000/- as installation charges at the time of taking the connection from the SPD contractor, and gave Rs.600/- as security deposit. Accordingly, the amount of Rs.600/- should be accounted for by the NDPL in the consumer's account as security deposit.

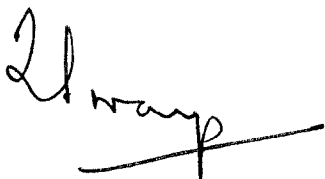
- 2.2 As regards the other issue of assessment for the period 14.05.2008 to 14.11.2008 on account of the 'stopped' meter being treated as defective by the Discom, it is observed from the Meter Change Protocol Sheet that the meter has been replaced on 14.11.2008, under the General Replacement Scheme as indicated under the Heading 'Status of Meter/Connection' and not as 'stopped', 'Burnt or Sticky' and the meter status column OK/faulty has been left blank.

A handwritten signature in black ink, appearing to be 'S. Ramp', with a horizontal line drawn underneath it.

From the above document, it can be inferred that the meter was replaced under the general replacement carried out for SPD connections, and it is only an assumption that it was faulty, as it was recording nil/low consumption. The Appellant has contended that his meter was not faulty, but was stopped at the time of replacement, as it was not in use. The Respondent in their reply dated 07.03.2011 have also contended that this meter was replaced pursuant to a report of inspection of the premises held on 22.04.2008, and the Discom found the meter K. No. 42205256510 to be stopped. However, the Respondent failed to produce a copy of this Inspection Report to substantiate their claim, or any Test Report for the meter.

The Appellant's main contention is that he has a small godown on 50 sq. yds which most of the times remains unoccupied (unused). The godown was not in use at the time, when the meter was found stopped for replacement. This is corroborated by the consumption pattern, and the fact that even after installation of the new meter on 14.11.2008, the consumption has been irregular and also '0' to negligible, for a long durations, as given below:

Date	<u>Units Consumed</u>
28.11.2008	0
07.03.2009	279
11.05.2009	550
07.07.2009	453
05.09.2009	645
06.11.2009	0



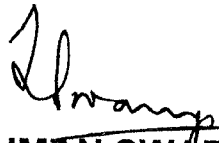
05.01.2010	4
27.02.2010	0
27.04.2010	1
22.06.2010	0
21.08.2010	0
19.10.2010	0

The above clearly substantiates the claim of the Appellant that his small godown has not been in regular use. Accordingly, during periods of non-use of the godown the meter was found stopped and it was assumed by the Discom to be defective and an assessment bill raised, without any testing of the meter regarding its working.

- 3.0 In view of the foregoing facts, the assessment bill for the so called defective period should not be raised. The bill should be raised as per the meter reading record. The amount of Rs.600/- should be accounted for towards security deposit in the consumer's account. The CGRF's order is accordingly set aside, and the case disposed of.

These orders may be implemented within a period of 21 days.

9th June 2011


(SUMAN SWARUP)
OMBUDSMAN