

**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/2011/420**

Appeal against Order dated 10.03.2011 passed by CGRF-NDPL in CG.No. 3160/12/10/SKN.

**In the matter of:**

Shri Harbans Lal Sehgal - Appellant

**Versus**

M/s North Delhi Power Ltd. - Respondent

**Present:-**

**Appellant** The Appellant was present in person alongwith his Advocate, Shri B.P. Agarwal

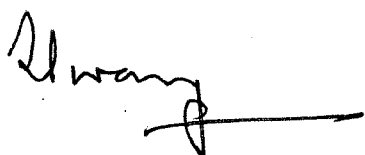
**Respondent** Shri K.L. Bhayana, Adviser,  
Shri Surender Khurana, HOG(R&C)  
Shri Cet Ram, Sr. Manager, ZSO  
Shri Vivek, Sr. Manager (Legal), and  
Shri Ajay Joshi, Legal Assistant, attended on behalf of the NDPL

**Date of Hearing** : 19.08.2011 & 02.09.2011

**Date of Order** : 23.09.2011

**ORDER NO. OMBUDSMAN/2011/420**

- 1.0 The Appellant, Shri Harbans Lal Sehgal, resident of premises bearing No.2-C/39, New Rohtak Road, New Delhi-110005, has filed this appeal against the order of the CGRF-NDPL dated 10.03.2011 in C.G. No.3160/12/10/SKN, regarding the wrong bill raised on account of escaped billing from 06.12.1996 to 27.09.2010 for electricity connection bearing K. No.35404305823D, with meter No.4D-96-10641 with a

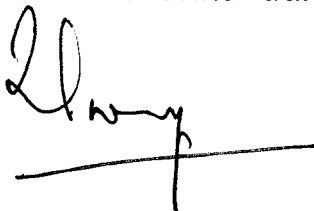


sanctioned load of 11.00 K.W. for domestic purposes. The meter was installed on 06.12.1996 and replaced on 25.10.2010 with 'Meter Faulty' and 'N.V.' – (Reading Not Visible) remarks.

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

The Appellant filed a complaint before the CGRF against the raising of the bill for Rs.6,46,560.00 for escaped billing for the electricity connection bearing K. No.35404305823D, installed at the said address for the period from 06.12.1996 to 27.09.2010. .

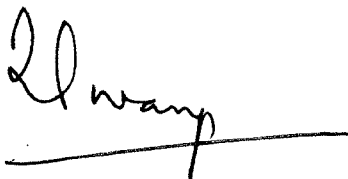
2.1 The CGRF-NDPL vide their Order dated 10.03.2011 in C.G. No.3160/12/10/SKN observed that the connection of the complainant was energized on 06.12.1996 for an enhanced load of 11 K.W. at reading '2' but the bills were not issued by DVB, as well as by NDPL, as the same had escaped the billing net. The complainant also never approached either the DVB or the NDPL for issue of bills and was using electricity without payment although well conversant with the rules and regulations of DVB/NDPL. The CGRF after hearing the parties decided that since dues upto 30.06.2002 for the DVB period had already been waived by the Govt. of NCT of Delhi vide Notification No.:F.11(40)/2007/Power/1278 dated 16-19/5/08, the same were not payable by the complainant. The DISCOM was asked to revise the bill for the period 01.7.2002 to 27.09.2010 after calculating the month-wise consumption to be arrived at based on the actual recorded consumption of 321322 units during the period 06.12.1996 to 23.09.2010.



During this period the meter was not defective and was recording the actual consumption, though the bills were not raised. It was also decided to give the slab benefit month-wise. The consumption for the meter defective period 23.09.2010 to 25.10.2010 (date of change of meter) was asked to be assessed on the basis of the consumption recorded during the period 25.10.2010 to 09.03.2011 (i.e. after change of meter). The amount already deposited is to be also accounted for and adjusted against the dues. The revised correct bill was to be delivered to the complainant within 21 days from the date of issue of the order and this was to be deposited in three bi-monthly installments. The LPSC was waived off.

2.2 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal dated 08.04.2011, and has prayed that:

- a. The CGRF-NDPL Order dated 10.03.2011 in C.G. No.3160/12/10/SKN, be set-aside.
- b. The demand of Rs.6,46,563.65 against the connection bearing K.No.35404305823D be declared as illegal, null & void and be quashed.
- c. To restrain the Respondent from disconnecting the electricity supply of electricity connection K.No. 35404305823D.
- d. Direct the Respondent to refund Rs.2.00 lacs with 18% interest.



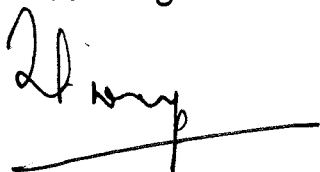
2.3 After the Appellant deposited 1/3<sup>rd</sup> of the bill amount assessed, as per the Order of the CGRF (Rs.2,05,073/-), and after receipt of the comments from the Respondent on the Appellant's appeal, the case was fixed for hearing on 19.08.2011.

On 19.08.2011, the Appellant, Shri Harbans Lal Sehgal, was present in person. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek – Manager (Legal). Both the parties were heard. The Respondent was asked to produce:

- i) The original photograph of the burnt meter showing the readings.
- ii) Inspection Report, if any, of 23.09.2010.
- iii) Meter Change Protocol Sheet of 06.12.1996.

The case was fixed for further hearing on 02.09.2011.

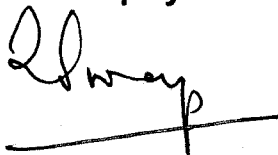
2.4 On 02.09.2011, the Appellant, Shri Harbans Lal Sehgal, and his Advocate, Shri B.P. Agarwal, were present in person. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Surender Khurana – HOG R & C, Shri Chet Ram – ZSO (Sr. Mgr.) and Shri Ajay Joshi – Legal Asstt. Both the parties argued their case. The Respondent filed the photos of the meter, the Inspection Report dated 23.09.2010, and a copy of the Meter Change Report of 06.12.1996 (confirming that the same meter existed at site on 29.07.2010). Shri Chet Ram, member of the Inspection Team was present and stated that the meter was segregated as the glass was smoky and the reading was not visible, in the presence of the Appellant, and



the inspection team had also taken photos showing the meter No. and the reading after removing the smoky glass. The Appellant stated that the claim was time barred under section 56(2) of the Electricity Act, 2003, as the bills were not raised monthly. The Appellant denied that he had signed the Inspection Report and stated that the meter reading was not visible, as the glass was smoky.

3.0 The case emanates from the fact that the Respondent received a complaint on 23.09.2010 for K.No.35400315819 (old) regarding no supply at the Appellant's premises. The consumer who was at site was asked to show the paid copy of the latest NDPL bill so that the supply could be restored. But, the consumer could not produce the same, and the supply was disconnected from the pole because of water seepage and to maintain the status quo of the connection, paper seal vide IR no.18972 Dated 23.09.2010 was pasted on the meter. As a follow-up, the site was again inspected on 27.09.2010 and the Respondent took photographs before and after segregation of the meter since the meter needed to be segregated as the reading was not visible. The photographs submitted by the Respondent, taken on 27.09.2010 at the time of inspection, were taken on record.

3.1 **After considering the facts I agree with conclusion of the CGRF-NDPL that this is a case of escaped billing from the DVB period onwards, and not one of a defective meter, as contended by the Appellant. The consumer should pay for his consumption after excluding the DVB**

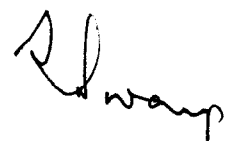
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period dues, on pro-rata basis of the consumption recorded, and should also be assessed for the period 23.09.2011 to 25.10.2010 (the date of change of the burnt meter) as the meter was defective only during this period. The contention of the Appellant that the claim is time barred under section 56 (2) of Electricity Act, 2003, is also not tenable, in view of the various rulings, and as also rightly observed by the CGRF in its Order.

- 4.0 From the facts on record there is no doubt left that this is indeed a case of escaped billing and not a case of a defective meter. There has been great laxity on the part of the Respondent in not bringing the connection in the billing net. The Appellant has also failed in his obligation to inform the Respondent that he had not been receiving bills for the last fourteen years which he was supposed to pay. It is indeed regrettable that he has enjoyed the benefit of about 58½ months of free electricity for the period from 06.12.1996 to 30.06.2002 in view of the Delhi Govt. of NCT of Delhi Order dated 16-19/5/2008.
- 4.1 The merits of the case do not warrant any change/amendment in the CGRF-NDPL's order and any refund of amount paid, or interest thereon.

The appeal is disposed off accordingly.

23<sup>rd</sup> September 2011

  
(SUMAN SWARUP)  
OMBUDSMAN