

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/2011/424

Appeal dated 28.04.2011 against Order dated 07.03.2011 passed by the CGRF-NDPL in case No. 3195/01/11/MDT.

In the matter of: Shri Rishi Pal - Appellant

Versus

M/s New Delhi Power Ltd. - Respondent

Presents:-

Appellant Shri Rishi Pal was not present

Respondent The Respondent was represented by Shri Vivek, Manager (Legal) and Shri Gagan Sharma, Officer (Dist. Model town) on behalf of NDPL

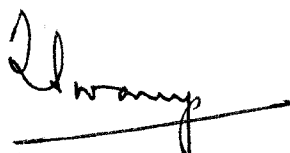
Date of Hearing: 09.06.2011

Date of Order: 13.06.2011

ORDER NO. OMBUDSMAN/2011/424

1.0 The Appellant, Shri Rishi Pal, has filed this appeal against the order of the CGRF dated 07.03.2011, requesting for correction of his assessment bill raised by the Respondent.

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


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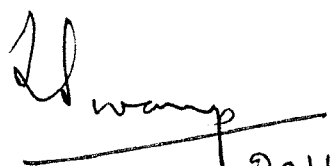
2.1 The Appellant has an electricity connection K. No. 36305038167, with a sanctioned load of 1 KW for domestic purposes at his premises at R-123, Kewal Park, Ground Floor, Delhi 110033.

2.2 The Respondent sent an assessment bill of Rs.6,487/- to the Appellant in November 2010 for the meter defective period from 16.03.2010 to 16.09.2010. According to the Appellant he had already paid the bills for the actual consumption of electricity recorded by the meter as per the bills for the aforesaid period.

3.0 The Appellant made a complaint dated 30.12.2010 to the CGRF-NDPL requesting for correction of the assessment bill of Rs.6,487/-.

He stated that the meter was defective for 3 days prior to replacement on 16.09.2010 and he had complained about the same on 14.09.2010. The electricity consumption prior to replacement of meter was very low due to low usage at his premises, and the meter was not defective.

3.1 The Respondent stated that the Appellant's meter was burnt and was recording very low consumption from November, 2009, till the same was replaced on 16.09.2010 with 'Meter Faulty' remarks. As such, the assessment for the period 16.03.2010 to 16.09.10 (six months) was made on the basis of the consumption recorded between 08.11.2008 to 08.11.2009 in accordance with Regulation 43 (i) of the DERC Supply Code and Performance Standards


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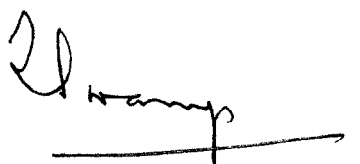
Regulations, 2007, and the assessment amount of Rs.6,847/- was reflected in his account.

3.2 The CGRF, after taking into consideration records and averments made by the parties, decided vide its order dated 07.03.2011 that the amount assessed by the Respondent was payable by the Appellant, but waived off the LPSC.

4.0 The Appellant not satisfied with the aforesaid order of the CGRF-NDPL dated 07.03.2011, has filed the present appeal, requesting for the correction of the assessment bill for the meter defective period.

4.1 After perusal of the records and after obtaining the required clarification from the parties first, the hearing in the case was fixed on 09.06.2011.

On 09.06.2011, the Appellant was not present. The Respondent was presented by Shri Vivek Manager (Legal) and Shri Gagan Sharma (Officer). The Respondent stated that the Appellant's meter was declared faulty in September 2010 and according to Regulation 43(i) of the DERC Supply Code and Performance Standards Regulations 2007 the assessment for the defective period was made for six months. The Respondent also filed the Statement of Accounts, indicating the consumption pattern of the

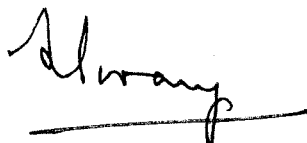

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Appellant, and the amount recovered. No Test Report for the meter was however produced.

5.0 The Appellant in his appeal dated 28.04.2011 has stated that the low consumption of electricity was due to the fact that the premises were vacant and not that the meter was faulty. It is also stated that it is the Appellant himself who lodged a 'Burnt Meter Report' on 14.09.2010, based on which the Respondent replaced the meter on 16.09.2010.

6.0 The electricity consumption records of the Appellant also show that the new meter installed on 16.09.2010 has also been recording low consumption of electricity, and in fact 'nil' consumption also during some months. This corroborates the Appellant's contention that his premises remained vacant and were used intermittently. It is correct that Regulation 43(i) of the DERC Supply Code and Performance Standards Regulations, 2007, provides that the bill for the defective meter shall be raised for a **maximum period of six months**, based on the earlier consumption pattern of the consumer for a period of 12 months. The CGRF has relied on the low consumption for confirming the assessment bill raised by the Discom. In this case however there is no other evidence to prove that the meter was indeed defective.

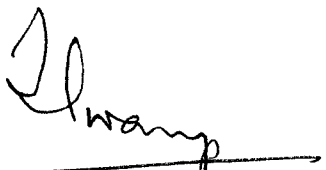
6.1 After considering the facts and circumstances of the case, it is evident that the low consumption after November, 2009 was due to


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the premises remaining intermittently unoccupied, and not due to the meter being faulty. The Respondent is therefore directed to take the last reading recorded on 22.08.2010 as a valid reading and raise an assessment bill only for the period 23.08.2010 to 14.09.2010. The base period for assessment shall be the Appellant's consumption of electricity recorded during the six months prior to 22.08.2010 and the six months subsequent to the change of meter i.e. after 16.09.2010. The excess amount paid by the consumer, if any, be refunded to him by cheque.

6.2 The appeal is accordingly disposed of. **The order may be implemented within a period of 21 days.**

13th June 2011


(SUMAN SWARUP)
OMBUDSMAN