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Office of the Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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(Phone No.: 39506011 Fax No.26141205)

Ref: E.OBM/A/05/43

Dated: 11th November, 2005

Appeal No. F. ELECT/Ombudsman/2005-06/43

Appeal against Order dated 25.8.2005 passed by CGRF – BRPL in Case No.:
CG/150/2005.

In the matter of Mrs. Suman Choudhary - Appellant

Versus

M/s BRPL - Respondent

Present:-

Respondent Shri Asit Tyagi, Business Manager and
Shri Shyam Bajpai, CST Leader (Customer Help Desk) on
behalf of BRPL

Appellant Not attended

Date of Hearing : 09.11.2005

Date of Order : 11.11.2005

ORDER NO. OMBUDSMAN/2005/43

The appeal is filed by Mrs. Suman Choudhary, resident of 111, Uday Park, New Delhi – 110 049 against the order dated 25.8.2005 passed by CGRF-BRPL. It is stated in the appeal that some time in August 2003 and October 2003, a single phase meter was installed at her residence but it was never energized. The appellant informed the Discom on 30.10.2003 that its building had already three phase meter, and, therefore, single phase meter installed was

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not adequate and should be replaced by 3 phase meter. She informed that single phase meter installed by the Discom had not been energized and as such was not used.

The distcom asked for a further deposit of Rs 6600/- which was deposited /- on 24.12.2003 for three phase meter. But, the same was installed only on 14.6.2005 i.e. nearly 18 months after payment of the amount by the consumer. The report of the Discom at the time of replacement of the meter, stated that the single phase meter which had been installed at the appellant's residence was "unconnected and unused". Despite the report of the Discom that single phase meter was "unconnected and unused", the Discom started sending bills even though the said bills showed "nil" consumption of electricity.

The appellant filed a grievance petition with CGRF-BRPL (i) for installation of three phase meter (ii) all the bills raised upto 14.6.2005 on the single phase meter should be withdrawn as it was never put to use (iii) it also asked for compensation of Rs.20000/- for the harassment and mental tension caused to her by visiting the office of the company from time to time and filing various complaints.

The CGRF-BRPL after hearing the complaint passed an order on 28.5.2005 that (i) assessment for the defective period pertaining to single phase meter be done on the consumption pattern of three phase meter for a period of six months after its installation (ii) It also directed a token compensation of Rs.500/- be given to the appellant for mental tension/harassment caused to her.

It is against this order of CGRF-BRPL dated 28.5.2005 that the appellant filed this appeal and stated that its single phase meter was never energized/used, and, therefore, all bills raised on this meter should be withdrawn till 14.6.2005 (when the single phase meter was replaced by three phase meter.) The appellant also prayed for enhancement of the compensation awarded by CGRF-BRPL for harassment caused and time wasted by her on account of the fault of the Discom.

After calling for appellant's records from the CGRF and scrutiny of the appeal filed by the appellant, Discom was asked vide letter dated 22.9.2005, to offer comments/clarification on the following-

- (i) reasons for keeping single phase meter un-connected and then issuing unrealistic bills for the same
- (ii) the Discom was also asked whether single phase meter was ~~get~~ tested before declaring it defective, if so, a copy of the meter testing report be produced
- (iii) the appellant deposited additional amount of Rs.6600/- for 11Kv three phase meter on 24.12.2003, the three phase meter was installed only on 14.6.2005 when the consumer filed a case with CGRF-BRPL on 16.5.2005. The reason for delay (of 18 months) in providing three phase meter to the appellant was asked for from the Discom

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(60)

In response to the above, the Discom vide its letter dated 6.10.2005 submitted that;

(i) the bills on the single phase meter were being issued to the consumer on provisional/average basis.

(ii) at the time of replacing the single phase meter with three phase meter on 14.6.2005, the meter was checked for its working, but, it was found stopped

(iii) all the bills raised on the consumer prior to 14.6.2005 were withdrawn because single phase meter was found not in use on 14.6.2005.

After receiving the above information, the case was fixed for hearing on 9.11.2005. The appellant vide its letter dated 2.11.2005 submitted that;

(1) the wrong meter installed earlier had been replaced

(2) wrong bills have been rectified and as such her grievance stands substantially redressed

(3) She only pressed for one point viz; enhancement of award Rs.500/- by the CGRF-BRPL towards compensation for mental tension/harassment to at least Rs.5000/- and

(4) She is not interested in personal hearing and the matter to be decided on the basis of facts already on record.

On 9.11.2005, Shri Asit Tyagi, Business Manager (D), HZK alongwith Shri Shyam Bajpai, Customer Help Desk (Leader) attended the hearing, on behalf of the Respondent company. The appellant did not attend as already informed by her in the above letter.

The case was discussed, it was confirmed by Shri Tyagi that single phase meter was not tested at the time of replacing it. However, since there had been no consumption of electricity, the bills were revised and all bills raised prior to 14.6.2005 (date of replacement of single phase meter) were withdrawn.

Since single phase meter had not been tested before replacing it with three phase meter, it ~~could~~ not be held to be defective. The Report of the Discom's employees stated it was "unused and unconnected", the consumption of electricity was being shown "nil". Therefore, the CGRF-BRPL erred in holding it to be defective and ordering assessment of defective period on the basis of average of subsequent 6 months. The Discom has now withdrawn all the bills prior to 14.6.2005. No grievance therefore remains of the appellant on this account.

In regard to enhancement of Rs.500/- compensation as awarded by the CGRF-BRPL – it is observed that compensation awarded by any Court/Forum is generally a token (of compensation). A consumer can never be compensated in full measure for mental harassment, therefore, token compensation of Rs.500/- awarded by the CGRF seems to be reasonable and I see no reason to interfere with the award given by CGRF, on this account.

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Record shows that the consumer made the payment on **24.12.2003** for the 11 Kv three phase meter but the same was installed on **14.6.2005** after almost eighteen months after the payment for it. Clause 38 of the DERC Guidelines (Performance Standards – Metering & Billing) Regulations 2002 provides that “ a penalty of Rs.500/- shall be payable by the licensee for delay in energizing the connection which shall be deposited with the DERC”. Accordingly, Licensee company is liable for the above penalty.

The order of CGRF is set aside to the extent indicated above.

अशा मेहरा
(Asha Mehra)
Ombudsman