

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/2011/430

Appeal against Order dated 03.05.2011 passed by the CGRF–
NDPL in CG.No. 3311/03/11/BWN

In the matter of:

Smt. Sudha Jain

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant

The Appellant was represented by her son,
Shri Saurabh Jain

Respondent

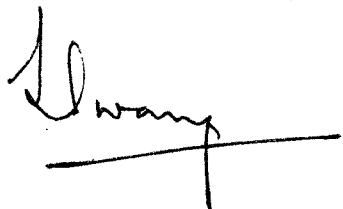
Shri K.L. Bhayana, Advisor
Shri Ajay Kalsie, Company Secretary, and
Shri Vivek, Senior Manager (Legal), attended
on behalf of the Respondent.

Date of Hearing : 13.09.2011, 29.09.2011 & 17.11.2011

Date of Order : 23.11.2011

ORDER NO. OMBUDSMAN/2011/430

- 1.0 The Appellant, Smt. Sudha Jain, w/o Shri Vidya Sagar Jain, R/o H. N.85, Gajju Katra, Bara Bazar, Shahdara, Delhi – 110032, has filed this appeal against the order of the CGRF-NDPL dated 03.05.2011 in C.G. No.3311/03/11/BWN regarding the wrong bill raised amounting to Rs.72,169/- for the period 07.09.2010 to 05.01.2011. The bill has been raised on the basis of the

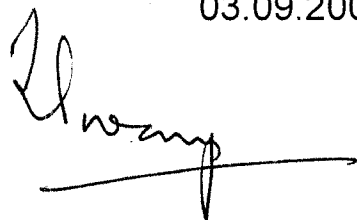


average consumption between 03.09.2009 to 07.09.2010, for electricity connection bearing K. No.41404133104, which was installed at the premises bearing Plot No.100, Pocket J, Sector-2, Bawana Industrial Area, Delhi – 110039, with a sanctioned load of 30.00 KW for industrial purposes. The meter was installed on 09.04.2009 and replaced with a new Meter No.92201314 on 05.01.2011 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:-

2.1 The Appellant filed a complaint before the CGRF-NDPL that an amount of Rs.72,169/- on account of assessment for the period 07.09.2010 to 05.01.2011 was reflected in her electricity bill for account bearing K. No.41404133104, whereas there was no consumption, as the factory was non-functional between September, 2010 to mid November, 2010.

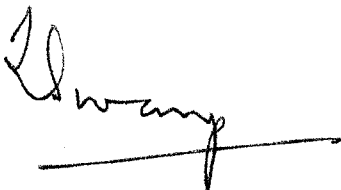
2.2 According to the Discom, on receipt of a request from the Appellant on 29.12.2010 for replacement of the meter, after verification, it was found that the meter No.92200312 was not recording any consumption from 07.09.2010 onwards, and was stuck at the reading 62023 due to tampering of meter. Hence, the same was replaced with a new Meter No.92200314 on 05.01.2011 with "Meter Faulty" and "N.V." (Reading Not Visible) remarks. Due to assessment for the period 07.09.2010 to 05.01.2011, an amount of Rs.72,169/- becomes payable on the basis of the average consumption recorded between 03.09.2009 to 07.09.2010. This has been reflected in the



electricity bill of the Appellant, as per Clause – 43 (ii) of DERC Supply Code and Performance Standards Regulations – 2003. The Appellant did not inform the Respondent about the premises being vacant which was required as per Regulation 46 (i) of the DERC Supply Code and Performance Standards Regulation, 2007. The Enforcement Team inspected the Meter on 10.03.2011, analyzed the downloaded data and sent a Show Cause Notice u/s 135 of Electricity Act, 2003 on 22.03.2011.

2.3 The CGRF-NDPL after hearing both the parties, vide its Order dated 03.05.2011 in C.G. No. 3311/03/11/ BWN, decided that the intimation about the vacancy of the premises was not submitted by the complainant to the respondent, and no documentary evidence for the same was produced by the complainant, so the same was not maintainable. The request for replacing the meter was submitted on 29.12.2010, and after checking the meter, the same was replaced on 05.01.2011. The last O.K. reading was recorded on 07.09.2010. The assessment carried out by the Respondent was found to be as per Regulations, and the bill for the same was payable by the complainant. The LPSC was waived off. The revised correct bill was to be prepared and delivered to the complainant by the Respondent.

2.4 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal on 03.06.2011 and has prayed that:

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- a) Separate bills be raised for all current readings so that she can pay the undisputed period bills till the appeal before the Ombudsman regarding the disputed assessment bill for the period September, 2010 to January, 2011, is decided.
- b) To serve an immediate order to NDPL not to disconnect the said meter on the basis of not deposit of the said disputed assessment bill.
- c) To take necessary action on the complaints, and to reassess the bill.

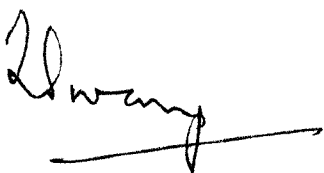
3.0 After receipt of the CGRF-NDPL's records and the para-wise comments from the DISCOM, the case was fixed for hearing on 13.09.2011.

3.1 On 13.09.2011, the Appellant Smt. Sudha Jain was represented by her son, Shri Saurabh Jain. The Respondent was represented by Shri K. L. Bhayana (Advisor), and Shri Vivek Singh (Senior Manager-Legal). Both parties were heard. The Appellant agreed to produce documentary proof regarding non-operation of the factory between 07.09.2010 to mid November, 2010. The Respondent was asked to get the meter retained at the site tested, to confirm whether it was stuck or had been tampered with. The case was fixed for further hearing on 29.09.2011.



3.2 On 29.09.2011, both parties argued their case. The Appellant stated that they had no documents to substantiate the plea that the factory was not functioning between 07.09.2010 to mid November, 2010. For the period mid November, 2010 to 05.01.2011, the meter was indeed defective, and assessment could be done. The Respondent requested for Third Party Testing of meter through ERDA to establish whether the meter was defective between September, 2010 and 05.01.2011. The matter was adjourned to 17.11.2011 when the Meter Test Report was to be produced by the Respondent.

3.3 On 17.11.2011, the Appellant was not present. The Respondent was represented by Shri K.L.Bhayana (Advisor), Shri Vivek Singh (Senior Manager–Legal), and Shri Ajay Kalsie (Company Secretary). The Respondent produced the report of Third Party Testing of the old meter by ERDA. This was taken on record. The Appellant again did not file any documents in support of his plea that the factory was closed upto mid November, 2010 though given an opportunity. While the proceedings were being concluded, the advocate of Smt. Sudha Jain, appeared at 12.45 PM, and submitted a copy of Petition No.04/2010, and order of the Delhi Electricity Regulatory Commission in the matter of Ashish Gulabani vs. BRPL, which was taken on record. The case was reserved for orders, as the arguments of the parties were completed and report of the Meter Testing was filed.



3.4 The Electrical Research and Development Association (ERDA) Meter Test Report dated 07.11.2011 for the old Meter No.: 92200312 reveals as under:

"d) Billing Parameters: Data Downloading:

Meter Reading: 61561 KWH	Date : 20.08.2011
Meter Reading: 73110 KVAH	MD Detail : 19.6450
	From 20.07.2010 to 20.08.2010)

e) Events recorded in meter data:

- "C-Error" found displayed on meter LCD.
- After 20/08/2010 Energy updation stopped in the meter data.

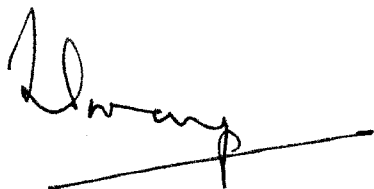
g) Effects of events recorded in meter data on actual recording of energy:

Energy updation stopped in the meter data after 20/08/2010.

i) Conclusion:- Based on the Analysis of downloaded data provided, no conclusive/proper evidence found for the injunction/external influence of high voltage/low strength signal into the meter."

From the above Report, it is evident that the meter stopped recording energy consumption after 20.08.2010. The Appellant was also unable to substantiate her claim that the factory was not working between 07.09.2010 to mid November, 2010.


4.0 From an analysis of the facts placed on record, the Appellant's inability to substantiate her claim that her factory was not working between 07.09.2010 to mid



November, 2010, and the Third Party Meter Testing Report No.EMTR/02/1430 dated 07.11.2011 of ERDA, it is concluded that there is no merit in the appeal of the Appellant, and there are no reasons to warrant any change in the order of the CGRF-NDPL dated 03.05.2011.

5.0 The case is disposed off accordingly. The Compliance Report of this order may be submitted within 21 days from the date of receipt.

23rd November 2011


(SUMAN SWARUP)
OMBUDSMAN