

**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/2011/433**

Appeal against the Order dated 06.05.2011 passed by CGRF–NDPL and corrigendum dated 09.05.2011 in CG.No. 497/2009.

**In the matter of:**

Smt. Santosh Sethi - Appellants

**Versus**

M/s BSES Rajdhani Power Ltd. - Respondent

**Present:-**

**Appellant** Shri O.P. Ahuja authorised representative was attended on behalf of the Appellant

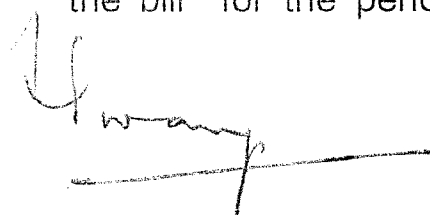
**Respondent** Shri Sita Ram, DGM,  
Shri Sudeep Bhattacharya, Sr. Manager and  
Shri Satinder Singh, C.O. attended on behalf of the  
BRPL

**Date of Hearing** : 02.08.2011, 09.08.2011

**Date of Order** : 18.08.2011

**ORDER NO. OMBUDSMAN/2011/433**

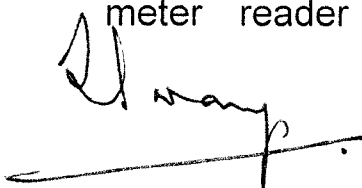
1.0 The Appellant, Smt. Santosh Sethi, premises of 11, Prem Nagar, Kotla Mubarakpur, New Delhi – 110003, has filed this appeal against the order of the CGRF-BRPL dated 6.05.2011 in CG No.497/2009 and the corrigendum dated 09.05.2011 in CG No.497/2009, regarding raising of the bill for the period 18.07.2000 to 19.05.2007 which escaped the



billing net of the Respondent. The connection bearing K. No.2540-C118-0368 installed at the premises bearing No.11, F/F, Prem Nagar, Kotla Mubarakpur, New Delhi – 110 003 with a sanctioned load of 1.00 KW for domestic purposes was treated as disconnected.

2.0 The brief background of the case as per the records is as under:

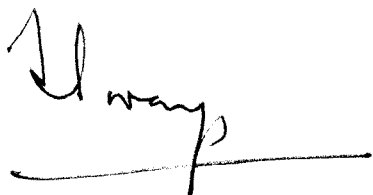
- 2.1 The Appellant filed an appeal against the raising of the assessment bill against the electricity connection bearing K. No.2540-C118-0368 installed at the said address for the period, i.e. from 18.07.2000 to 19.05.2007, when the meter was not read considering it to be disconnected. The Appellant was preferred a bill amounting to Rs.3,12,444/-, as a Supplementary Bill in the month of January, 2009, on account of the Enforcement Inspection dated 19.05.2007.
- 2.2 During the Enforcement Inspection dated 19.05.2007, this meter was checked in the presence of the consumer and was found to be running slow by 7.16%, and the reading of this meter was 76,180 units. It was also noticed that this meter had never been read and no reading based bills had been issued to the consumer, since its installation in the year 2000.
- 2.3 Against the said bill the consumer filed a complaint before the CGRF – BRPL. The CGRF in its order dated 06.05.2010 observed that, this is a case of accumulated readings of the meter/connection no.2540C1180368 which was not read by the meter reader w.e.f. 18.07.2000, (the date of the meter



replacement) to 19.05.2007, (the date of the Enforcement inspection). During inspection, the meter was tested and found to be slow by 7.16%. During the period 18.07.2000 to 19.05.2007 the meter recorded a consumption of 76,180 units. This period of 82 months also included the DVB period, and if the consumption during the DVB period is excluded, (say 24 months approx.) then the remaining consumption for the period of 58½ months was chargeable to the consumer. On pro rata basis the aggregate consumption of the consumer came to 69,195 units for the period of 58½ months. The CGRF directed the Discom to issue a revised bill, taking into account the slowness of 7.16% of the meter and as per the tariff applicable at that time, without levy of LPSC.

In accordance with the CGRF's order dated 06.05.2010, the bill was revised for an amount of Rs.2,54,594.91.

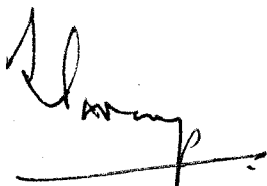
- 2.4 After issue of the order of the CGRF, the consumer represented to CGRF that the chargeable consumption on pro rata basis for 58½ months period should have been 54,348 units instead of 69,195 units, as mentioned in the order dated 06.05.2010. She requested for correcting the consumption and bill accordingly. A chamber meeting was called by the CGRF on 20.04.2011 when both the parties were present. During the meeting the BRPL officials stated that the chargeable consumption on pro-rata basis should be 54,419 units. After discussion both the parties finally



agreed that the correct figure for consumption was 54,419 units. The CGRF issued a corrigendum dated 09.05.2011 stating "that the figure 69,195 units appearing in the order be read as 54,419 units." The bill was again revised as per the corrigendum for an amount of Rs.1,92,734/-.

The main contention of the Appellant is that the assessment for the period July 2002 to 19.05.2007, should be made on the basis of the consumption recorded by the new meter between 15.02.2008 to 15.02.2009. The meter was installed on 17.02.2008.

- 3.0 After the Appellant deposited 1/3<sup>rd</sup> of the bill amount assessed, i.e. Rs.64,250/- the case was fixed for hearing on 02.08.2011. On 02.08.2011, the Appellant Smt. Santosh Sethi was represented by Shri O. P. Ahuja. Respondent was represented by Shri Sita Ram – DGM, Shri Sudeep Bhattacharya – Sr. Manager and Shri Satinder Singh – C.O.. The Appellant stated that the meter was replaced on 18.07.2000, as it was burnt. This new meter was not read till 19<sup>th</sup> May, 2007, when the Enforcement Inspection was conducted and the meter was read for the first time. The Appellant further stated that the premises were partly demolished by the MCD in 2008 and were lying in a state of disrepair. A bill of Rs.3,12,344/- was raised for the period of escaped billing by the Respondent and as per the CGRF's order the bill stood revised to Rs.1,92,734/-. The consumption of the new electronic meter installed on 17.02.2008, should now be taken as the basis for assessing the

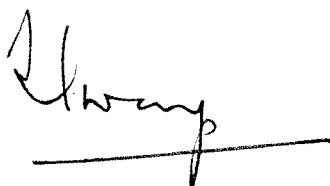


consumption for the unbilled period i.e. 19.11.2007 to March 2008, as well as for the period for which a bill was still to be raised by the Respondent.

The Respondent on the other hand argued that this was a case of escaped billing as the meter was not read at all after 2000 upto 19.05.2007 and not that of a faulty meter. For further evaluation of the case, the Respondent was directed to file the meter change protocols of 2000 and 2008 and the next hearing was fixed on 9<sup>th</sup> August, 2011.

4.0 On 09.08.2011, the Respondent was unable to produce any record regarding change of meters either in 2000 or in 2008. The Respondent stated that they had also not raised any bills for the period May 2007 to March, 2008. The Appellant again argued that she should be billed on the basis of readings of the new meter installed on 17.02.2008, as this reflected her real consumption.

5.0 In view of the Appellant's own admission the premises were partly demolished by the MCD in 2008 and are lying in a state of disrepair and as such the consumption recorded by the meter installed on 17.02.2008 would not be a true reflection of the consumption for the preceding period, for which the bill has been raised. Further, the bill has been revised by the Forum for the escaped billing period, after excluding the DVB period (i.e. 18.07.2000 to 30.06.2002), and on the basis of the actual recorded consumption on pro rata basis. From a perusal of the Meter Test



Report, it is observed that the test results can not be relied upon as these are based on a Revolution Test and Energy Recorded is 16.6222 Wh. for only 5 no. of Revolutions against the Meter Constant of 324. As such, the test is not reflective of the status of the meter at all. Therefore, the slowness of the meter of 7.16% while calculating the consumption, should not to be taken into account in my view.

Further, it is noted that even after the Enforcement Inspection on 19.05.2007, there is an unbilled period i.e. May 2007 to March 2008, bill for which has not been claimed by the Respondent. Since this is not an issue before me in the appeal, this not been adjudicated upon. Since, this is not a case of a defective meter, as such, the contention of the Appellant to bill her under Regulation 43 (ii) of the DERC Regulations, 2007 is also not tenable.

The Orders of the CGRF-BRPL are modified to the extent that the slowness of the meter of 7.16% is not to be taken into account, while revising the bill for the escaped period i.e. 30.06.2002 to 19.05.2007.

The appeal is disposed of accordingly. The order may be complied with within 21 days.

18<sup>th</sup> august 2011

  
(SUMAN SWARUP)  
OMBUDSMAN