

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/2011/435

Appeal against Order dated 03.06.2011 passed by the CGRF-NDPL in CG.No. 3389/04/11/BWN.

In the matter of:

Shri Mahesh Kumar

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant

The Appellant was present in person

Respondent

Shri K.L. Bhayana, Adviser,
Shri Surender Khanna, HOG-R&C
Shri Chet Ram, Senior Manager, and
Shri Ajay Joshi, Legal Assistant, attended on behalf of the NDPL

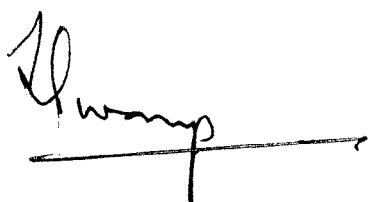
Date of Hearing : 02.09.2011

Date of Order : 13.09.2011

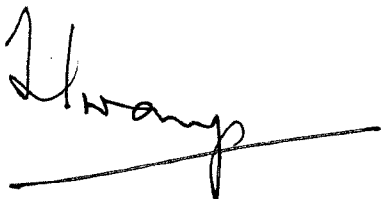
ORDER NO. OMBUDSMAN/2011/435

1.0 The Appellant, Shri Mahesh Kumar, has filed the present appeal against the CGRF-NDPL's Order No. 3389/04/11/BWN dated 03.06.2011, requesting for setting aside the order

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



- 2.1 The Appellant was sanctioned a single phase electricity connection K. No. 41405229025 with a sanctioned load of 3 KW for industrial power for his factory at Sector -3, C-260, DSIDC, Bawana Industrial Area, Delhi 110039. The meter was recording the correct readings, and the Appellant had paid his electricity bills regularly.
- 2.2 The Appellant received a electricity bill for Rs.10,010/- dated 12.11.2009, which he found to be high. He therefore complained on 18.11.2009 that the meter was running fast and requested for testing of his meter. The Respondent got the Appellant's meter tested on 27.11.2009 and found the meter to be okay.
- 2.3 The Appellant again received a bill for Rs.11,890/- dated 14.06.2010, and again complained to the Respondent that his meter was running fast. He, however, deposited the bill of Rs.11,890/- on 24.06.2010. The Respondent again checked the meter on 12.07.2010 and found the same to be okay.
- 2.4 The Respondent on 07.12.2010 raised an assessment bill for Rs.18,564/- for consumption of electricity for the period 24.06.2010 to 08.11.2010. The Appellant protested against this bill on the plea that during the period he was drawing electricity supply from another connection K.No. 41105017776, and the assessment bill for Rs.18,564/- raised by the Respondent was wrong. The Respondent, however, did not take any action to revise the bill.
- 3.0 The Appellant filed a complaint No. 333 dated 07.04.2011 before the CGRF-NDPL for rectification of the excessive bill for

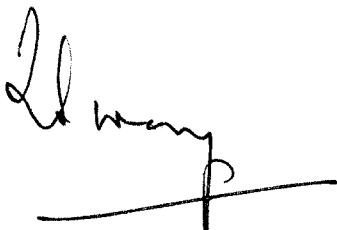


Rs.18,564.00. The Respondent informed the CGRF-NDPL that the Appellant's meter was tested on 12.07.2010 at reading R-22487, and the same was found to be in order, and within the permissible limits of accuracy, being 0.78% fast. The Respondent however replaced the meter on 08.11.2010 at reading R-22488 with "meter defective" remarks on the Meter Change Report because the consumption recorded between June 2010 and 08.11.2010 was not visible, and was later found to be low.

- 4.0 The Respondent also contested the Appellant's plea that the load was shifted to another electricity connection K.No. 41105017776, because on scrutiny of consumption record of K.No. 41105017776, no increase in the electricity consumption was reflected during this period.
- 5.0 The CGRF-NDPL after considering the records and hearing the arguments of the parties, directed the Respondent to assess the consumption and raise the bill for the period 12.07.2010 to 08.11.2010 on the basis of the consumption recorded during the period 21.06.2009 to 24.06.2010 as per Regulation 43(1) of DERC Supply Code and Performance Standards Regulations, 2007. The LPSC was however waived.

The Appellant, not satisfied with the above order of the CGRF, has filed the present appeal, praying for setting aside of this order.

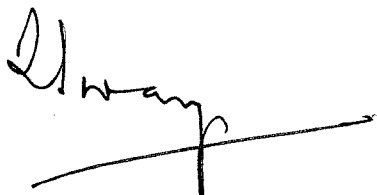
- 6.0 The first hearing of the case was fixed on 02.09.2011, after obtaining the required clarifications from the parties. The Appellant

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was present in person. The Respondent was represented by Shri K.L. Bhayana (Advisor), Shri Surender Khanna (HOG R&C), Shri Chet Ram (Sr. Manager) and Shri Ajay Joshi (Legal Assistant).

6.1 The Appellant stated at the hearing that he had been complaining that his electricity meter was running fast, and the assessment bill for Rs.18,564/- was not called for as the meter was tested on two occasions and found to be okay. The Respondent stated that there was wide variation in the electricity consumption of the Appellant for the period between June 2010 and November 2010, as compared to the earlier period. Further, his meter did not record any consumption for this period, as it was stuck. It was also clear from the records that the electricity consumption of the Appellant increased after the replacement of the meter in November 2010. Seeing that the consumption recorded by the Appellant's meter between June 2010 and November 2010 was extremely low, the old meter was declared defective and an assessment bill of Rs.18,564/- was raised. The meter was not tested at the time of replacement.

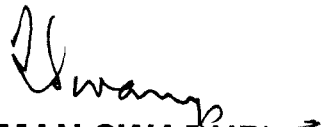
7.0 It is a matter of record that the Appellant's meter was tested twice i.e on 27.11.2009 and again on 12.07.2010, in view of his complaints that the meter was running fast. The Meter Test Reports dated 27.11.2009 and 12.07.2010 establish that the meter was indeed okay and was recording the correct consumption. As such, there is no basis for declaring the meter as defective. The Respondent did not test the meter at the time of replacement and is merely relying on low consumption during the period 24.06.2010 to



08.11.2010. After considering all the facts, the Respondent is directed to charge the Appellant for his consumption of electricity during the period 24.06.2009 to 08.11.2010 as per the actual meter readings, after waiving the LPSC, as there is no justification to make an assessment for this disputed period as per Regulation 43(1) of DERC Supply Code and Performance Standards Regulations, 2007.

- 8.0 The Respondent is directed to implement this order within 21 days from the date of issue and to send the compliance report to this office.

13th September 2011


(SUMAN SWARUP)
OMBUDSMAN