

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone-cum-Fax No.: 011-26144979)

Appeal No. 44/2023

(Against the CGRF-BRPL's order dated 26.09.2023 in Complaint No. 76/2023)

IN THE MATTER OF

Shri Satya Prakash Goyal & Shri Krishan Kumar Goyal

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Krishan Kumar Goyal, in person.

Respondent: Shri S. Bhattacharjee, Sr. Manager, Shri Pradeep Kumar Soni,
Commercial Officer, Shri Arav Kapoor and Ms. Komal Gupta,
Advocates, on behalf of BRPL

Date of Hearing: 10.01.2024

Date of Order: 11.01.2024

ORDER

1. Appeal No. 44/2023 has been filed by Shri Satya Prakash Goyal & Shri Krishan Kumar Goyal R/o 7A/1, Taimur Nagar, New Delhi-110065, against the CGRF-BRPL's order dated 26.09.2023 passed in C.G. No. 76/2023.

2. The background is that the Appellants are consumers of a domestic electricity connection bearing CA No. 10014972 at the above mention premises for the last three decades have been paying the electricity bills regularly. The moot issue is that the Discom issued a bill for Rs.26,974.53/ for 2891Units, for the period 02.03.2023 to 04.06.2023 because during this period the meter was not displaying consumed readings and thus reckoned faulty. Consequently, the Appellant lodged two complaints and follow up with Discom and the Discom finally replaced the meter on 05.06.2023. The Appellant sent a mail on 17.06.2023 requesting rectification of the bill. In reply, the Discom informed the Appellant vide their e-mail dated 05.07.2023 that "*bill raised for*



the period of 02.03.2023 to 04.06.2023 of Rs.20,460/- which is accurate after charging the short units as assuming the base period of previous year consumption according to the DERC Norms.” Upon declination of their request, the Appellant again sent an e-mail on 06.07.2023 to the Head of Customer Care, BSES-BRPL to look into the complaint. In the meantime, the Discom served a notice to the Appellant for disconnection of electricity supply in view of non-payment of the raised bill. The Appellant made the payment of the disputed bill under duress on 15.07.2023 and again sent an email to Head of Customer Care, BSES, in this regard.

However, the Discom communicated with the Appellants vide its mail dated 19.07.2023 and mentioned that “on verification, they observed that 2647 units should be charged as per DERC’s Regulations on the basis of actual average consumption reconciled during the corresponding period in the preceding year, i.e. 03.03.2022 to 04.06.2022, as against the charged 2891 units. Accordingly, they have credited an amount of Rs.3,011/- (including the meter testing charges).” However, the month-wise details of the consumption during the period are not borne from the record.

Consequently, the Appellant filed a complaint before the CGRF submitting that consumption (prior to the said bill) in the immediate preceding bill (for the period 07.02.2023 to 02.03.2023) was 231 units with a total bill of Rs.1,610/-, an average consumption of 10.04 units per day. Therefore, the consumption of 30.76 units per day charged in the impugned bill was raised on the wrong assumption. Discom later revised these notional consumption units to 28.16 units per day, which is also arbitrary, in nature.

The Appellant before the CGRF argued that the consumption pattern of last year (corresponding year) cannot and ought not to be the yardstick/benchmark for consumption during the current year because of the noticeable difference in the two time periods due to COVID-19. During this period all family members stayed at home to work from home. On the contrary, in the current year, the period was totally opposite, including mandatory office attendance, which had led to low consumption compared to last year.

In view of the above, the Appellant requested that if the immediate preceding cycle average is not considered for the impugned bill of defective meter period, the period considered should be the immediate three months prior to that and/or in any event, not more than six months prior. The consumption for the preceding three and six month cycles works out to 16.60 and 18.04 units, respectively. Therefore, they have still been overbilled by at least 951 units, which translates to a monetary impact of approx. Rs.9,000/- for the excessive energy charges plus the pro-rata add-ons, and requested the Forum to review the matter from the rightful perspective.



3. Discom submitted before the Forum that the meter being faulty, reading could not be downloaded for the period 02.03.2023 to 04.06.2023. The faulty meter was replaced on 05.06.2023, therefore, assessment has been done by the system automatically for the said period and total units of 2891 were charged to the complainant.

The Discom further referred to Regulation 39 of DERC's Supply Code, 2017, which states that for the period, when the meter is defective, consumer shall be billed on the basis of actual average consumption recorded during the correspondent period in the previous year", i.e. 02.03.2022 to 04.06.2022 that came to 2648 units. The other criteria laid down is to be followed, in case the aforesaid details are not available. Accordingly, bill was revised and total credit of Rs. 3,011/- (including Rs.590/- on account of meter test charges) was given in the bill dated 09.08.2023. . The Discom also submitted Energy Meter Test/Analysis Report with its written submissions.

4. The CGRF, in its order dated 26.09.2023, observed that as per Rule 39 of the DERC (Supply Code and Performance Standards) Regulations, 2017, consumption pattern for the corresponding period of the preceding year for the affected period of the faulty meter for the purpose of charging consumption during March to June, 2023, was taken into account by the Discom in the instant case. Further, the request of the complainant to charge consumptions of faulty period on the basis of preceding three or six months of consumption is not in compliance with Rule 39 as mentioned above. Therefore, request of the complainant was not considered and he was directed to pay the revised amount of the bill.

5. Not satisfied with the CGRF-BRPL's order dated 26.09.2023, the Appellant preferred this appeal on the same grounds as before the CGRF. In addition, the Appellant submitted that the meter had stopped displaying readings after the last downloaded reading on 02.03.2023. The immediate preceding bill was for 23 days (07.02.2023 to 02.03.2023) was for 231 units amounting to Rs.1,610/-, an average of 10.04 consumption per day. There was an excess notional charges of Rs.9,000/- The action by Discom was not in conformity with guidelines on BSES website for provisional and assessment bill on the basis of average consumption of last three (3) billing cycles/twelve (12) months consumption pattern. There was also a deficiency in service on account of failure of prompt meter replacement.

6. The Respondent in their written submission reiterated its submissions as before the CGRF. In addition, the Respondent submitted that even Appellant had applied for meter testing on 19.05.2023 vide Application No. 32554797 in respect of reading not displaying. Thereafter, site was visited on 24.05.2023 and found that meter was faulty and replaced on 05.06.2023. The Discom in its support, submitted a copy of Analysis



Report, Lab Report and complaint dated 19.05.2023, for meter testing. After the site visit on 24.05.2023, the meter was replaced.

7. The appeal was admitted and fixed for hearing on 10.01.2024. During the hearing, the Appellant was present, in person, and Respondent was represented by its Authorized Representatives/Counsels. An opportunity was given to both the parties to plead their case at length.

8. During the hearing, the Appellant submitted that during the month of April and May, 2023, the Meter Reader, pointed out verbally about the defective meter but took no follow up action, therefore, he made an official online complaint in respect of defective meter (display stopped) on 17.05.2023. Thereafter, meter was replaced with a new meter on 05.06.2023 by the Discom. The Appellant also contested that the onus for meter replacement lay with the Discom, in light of the express provision in the Regulation. Further, had the meter been changed within 45 days by the Discom, then the readings during the period, in question, would have been comparable to the previous year resulting in less billing, as per Regulation 39 of DERC's Supply Code, 2017. The Appellant has also invited attention to the meter testing fee of Rs.590/, which was arbitrarily imposed and later withdrawn.

9. The Representative for the Respondent, on being asked by the Advisor (Engineering) that (a) why the Discom sent provisional bills for the month of April and May, 2023, while Meter Reader (MR) went at the site every month for downloading the readings, (b) why suo moto action was not taken for process of meter testing by MR or Data Center Leader (DCL) and (c) why consumption of previous year period, i.e. 02.03.2022 to 04.06.2022 was not provided and reckoned for calculation of consumption of defective period, i.e. 02.03.2023 to 04.06.2023? The Respondent could not give satisfactory reply, however, consumption of previous year was submitted before the court, for its consideration.

10. This Court has gone through the appeal, written submission and heard both the parties. It is not clear from the record that on finding the meter defective on 02.03.2023, why *suo-moto* action between March to May 2023 was not taken, for its replacement. Further, no billing for the months of April and May, 2023 was also in violation of Regulation 38 of DERC's Supply Code, 2017. While Regulation 39 has been correctly applied by the Discom and CGRF, for taking into account the consumption pattern of the same period during the preceding year for preparing the final bill and in preference to other options laid down, however, the Discom erred in not preparing a correct bill in one go and revised its claim only after representation of the Appellant on 06.07.2023 before CGRF. The content on the website referred to by the Appellant in the appeal is also misleading. The detail of month-wise consumption




pattern during the period 02.03.2022 to 04.06.2022 was also not borne from the record but provided during the course of hearing. This is indicative of the actual consumption pattern during the relevant period. It has also established that the meter was duly replaced after 19 days of the written complaint and not 94 days, as alleged by the Appellant.

There is no justification borne from the record for the inability of the field staff to visit during the months of April and May, 2023 for recording of meter reading and billing for consumption, as well as to take suo-moto steps for meter replacement, as contemplated in Regulation 34 of the DERC' Supply Code, 2017.

11. In view of the above, Court directs as under:

- (a) The CGRF-BRPL's order passed on 26.09.2023 is upheld and Appellant need to make the payment accordingly.
- (b) Appellant suffered at the hands of Discom from April, 2023 due to Discom's own error/callous attitude and negligence in preparing proper bills for April and May, 2023, perfunctory visit by Meter Reader and total absence of promptitude in replacement of the defective meter. The downloaded reading of 231 units for 23 days on 02.03.2023 is also in contravention of DERC 's Regulation, 2017 No. 38(2) which mandates billing cycle of minimum thirty days and maximum thirty five days. Compensation of Rs.5,000/- is awarded in favour of Appellant, revised bills and compensation credit should be given in next billing cycle.
- (c) CEO is advised to introduce a mechanism to raise auto alert in system, so that the defective meter get replaced immediately after the meter testing. The functioning of the meter readers also need constant supervision for preventing unnecessary harassment to the consumers and prompt action on grievances.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
11.01.2024