

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/2012/447

Appeal against Order dated 22.09.2011 passed by the CGRF--TPDDL
in CG.No. 3498/06/11/NRL

In the matter of:

Shri Anil Kumar Appellant

Versus

M/s Tata Power Delhi Respondent
Distribuition Limited.

Present:-

Appellant The Appellant, was represented by Shri H.N. Rai and
Shri Ashutosh Gupta, Advocate .

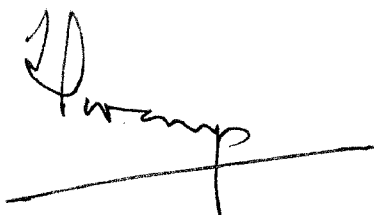
Respondent Shri K.L. Bhayana, Adviser, Shri Vivek, Sr. Manager,
Shri Amit Bansal, Client Manager (KCG) and Shri
Ashish Singh Legal Retainer (KCG) attended on
behalf of the Respondent

Date of Hearing : 19.01.2012, 01.02.2012, 09.02.2012

Date of Order : 05.03.2012

ORDER NO. OMBUDSMAN/2012/447

1.0 The Appellant, Shri Anil Kumar, R/o 319/26, Omkar Nagar-B, Tri
Nagar, Delhi, has filed this appeal against the order of the CGRF-
NDPL in C.G. No.3498/06/11/NRL dated 22.09.2011, regarding
the demand for Rs.2,41,977/- shown as "arrears" for the period



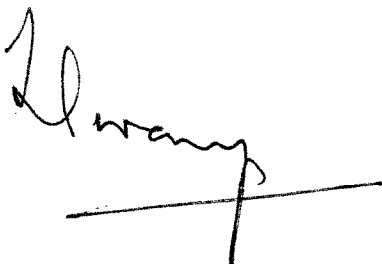
10.01.2009 to 10.07.2009 on account of the multiplication factor of '3' instead of '2'.

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

2.1 The Appellant, Shri Anil Kumar, has an electricity connection bearing K. No.431099060407 and meter No.0060000018, which is installed at A-21, DSIDC Industrial Area, Narela, New Delhi - 110040, and was energized on 26.07.2005, with a sanctioned load of 198 KW with a 11 kv Current Transformer (CT) of ratio 10/5, having a multiplication factor (MF) '2' for Large Industrial Power (LIP). Later on the load was reduced to 95 KW on 10.07.2009 and a new meter No.92300444 was installed.

2.2 The Appellant filed a complaint before the CGRF-NDPL that at the time of energisation of the electricity connection bearing K. No. 431099060407, the 11 kv CT of ratio 10/5 with a multiplication factor (MF) '2' was installed but the CT was replaced on 10.01.2009 by the Respondent and the MF was changed from '2' to '3' which resulted in recording of higher consumption. According to the Appellant, the impugned demand of Rs.2,41,977/- raised against his electricity connection for the period from 10.01.2009 to 10.07.2009 on the MF of '3' instead of '2', is disputed.


2.3 According to the Respondent, the 11 kv CT of ratio 15/5 was provided in place of the 11 kv CT of ratio 10/5 on 10.01.2009, vide



Replacement Report of Metering Cubicle/C.T.-P.T. Unit dated 10.01.2009, duly signed by the Appellant as it was replaced due to the old CT having become defective. The HT meter and meter box were removed with the 11 kv CT 15/5, vide Protocol Sheet dated 10.07.2009, and this was also signed by the Appellant. By installation of the CT of 15/5 Amp., the MF is '3', and replacing the CT with a higher MF does not imply that the consumption would get recorded at a higher rate. The CT-PT and the meter were again checked on 30.04.2009 on the Appellant's request, vide Test Report of CT, PT and Energy Meters dated 30.04.2009 and they were found to be 'Okay' i.e. the CT in the ratio of 15/5 i.e. of MF '3' was found to be in order.

2.4 As per the Discom, inadvertently, the bills were raised for the months of January, February and March, 2009 with a MF of '2' instead of multiplication factor of '3', because the installation of a CT of MF '3' was updated in the computer system in the month of March, 2009. Therefore, from April, 2009 onwards, the CT ratio was recorded as 15/5 Amp., and the demand of Rs.2,41,977 was reflecting the arrears.

2.5 The CGRF-NDPL after hearing both the parties, vide its Order dated 22.09.2011 in C.G. No.3498/06/11/NRL, decided that at the time of replacement of the 11 kv CT on dated 10.01.2009, the 11 kv CT of 15/5 ratio was provided and the meter CT ratio was -/5, so thereby the reading recorded by the meter during 10.01.2009 to 10.07.2009 was to be multiplied by 3. The bills for the reading

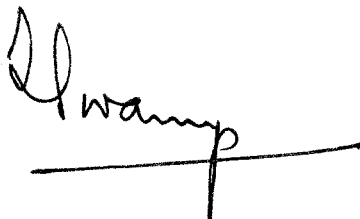


recorded during this period were to be prepared by multiplying with 3. The LPSC was waived off. The revised correct bill was to be prepared and delivered to the complainant

3.0 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal on 12.12.2011 and has prayed:

- a) to accept the appeal and to set aside the Order dated 26.09.2011;
- b) to declare the demand of Rs.2,41,976.60 raised against connection bearing K.No.431099060407 installed at A-21, DSIDC Industrial Area, Narela, Delhi as illegal, null & void and to be quashed and;
- c) to declare the impugned demand for the period from 10.04.2009 to 10.07.2009 raised but not charged on the MF of 3 to be null and void, and for holding that the said demand which is already paid on the MF of 2, as correct.
- d) To restrain the respondent, its officials etc. from disconnecting the electricity of the Appellant in respect of his electricity connection and;
- e) to pass any other or further order in the interest of justice.

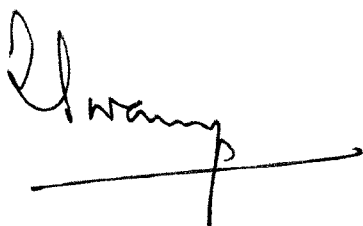
4.0 After receipt of the CGRF-NDPL's records and the para-wise comments from the Discom, the case was fixed for hearing on 19.01.2012.

A handwritten signature in black ink, appearing to read 'J. Wang', with a horizontal line drawn underneath it.

On 19.01.2012, the Appellant, Shri Anil Kumar, was not present. Shri H.N. Rai, from the advocate's office was present and requested for an adjournment. The Respondent was present through Shri K.L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal) and Shri Ashish Singh – Legal Retainer (KCG). The Respondent was heard. They were advised to produce all the relevant documents, duly verified, at the next date of hearing. The case was fixed for further hearing on 01.02.2012.

4.1 On 01.02.2012, the Appellant was represented by Shri Ashutosh Gupta, Advocate. The Respondent was represented by Shri K. L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal), Shri Ashish Singh – Legal Retainer (KCG), Shri Amit Bansal – Client Manager (KCG). Both the parties argued their case. After hearing, then the Respondent was advised to produce the CMRI data for the period from January, 2009 to July, 2009 and photographs of the CT at site, by 7th January, 2012 to corroborate their contentions. The case was fixed for further hearing on 09.02.2012.

4.2 On 09.02.2012, the Appellant was represented by Shri Ashutosh Gupta, Advocate. The respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal), Shri Gautam Jai Prakash – Manager (KCG), Shri Amit Bansal – Client Manager (KCG). The Respondent furnished the CMRI data and photographs of the CT at site. The copies of the same were

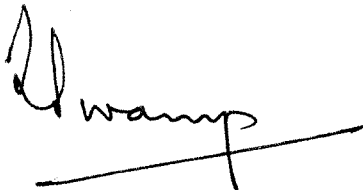


supplied to the Appellant also and he was advised that he could make a written response to this data by 16th February at the latest.

5.0 From the perusal of the photographs of the CT Unit as existing at site, which was installed at site on 10.01.2009, it is clearly seen that the ratio of 15/5 with serial No.21000 is written on the CT, thereby confirming that the CT of ratio 15/5 i.e. MF '3' was installed on 10.01.2009 and is still existing at site. The words are clearly visible even in the photograph and therefore the Appellant was aware of the change in the capacity of the CT.

6.0 Pursuant to the above, the Appellant furnished on 16.02.2012, the Consumption Data, as follows:

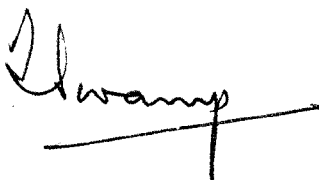
- i) The consumption of electricity after installation of the CT of MF 3 for the billing period from February, 2009 to July, 2009, was 71264.5 units per month.
- ii) The consumption of electricity at the time of installation of the CT of the MF 2 for the billing period from February, 2008 to July, 2008, was 24448 units per month.
- iii) The consumption just before installation of the CT of MF 3 for the billing period from August, 2008 to January, 2009, was 30034 units per month. Thus, corroborating that the consumption increased greatly after installation of the new CT with a MF 3.



In view of the above data, the Discom was asked to submit the CMRI downloaded Load Survey Data prior to replacement of CT i.e. upto 10.01.2009, when the CT ratio was 10/5, to evaluate the Appellant's contention that the new CT had resulted in increase of his consumption.

From Perusal of the Load Survey Data, prior to and after the change of the CT, it is observed that the consumption for both the periods i.e. prior to and after change of the CT, is commensurate with the quantum of use of the electricity supply. Accordingly, the contention of the Appellant that the new CT has resulted in enhancement of his consumption is not borne out by the CMRI downloaded data.

- 7.0 It is, further, observed that as per the protocol sheet it is clear that a 11 kv CT of ratio 15/5 was provided in place of the existing 11 kv CT of ratio 10/5 on 10.01.2009. From the protocol sheet which was duly signed by the complainant, it is clear that after installation of the CT 15/5 Amp. the multiplication factor of 3 was applicable.
- 8.0 The load was reduced from 198 KW to 90 KW on 10.07.2009 and at the time of reduction of load the 11 KV CT, of 15/5 amp. was available at the site. The HT meter and meter box were removed vide protocol sheet dated 10.07.2009 where in it was clearly mentioned that the 11 kv CT of 15/5 was removed and this report was also signed by the complainant.



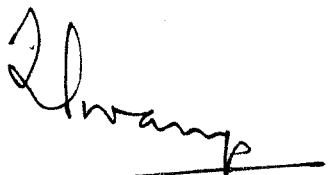
9.0 The apprehension of the Appellant that the CT with a ratio of 15/5 will record more consumption as against the CT with a ratio of 10/5 is technically not correct. Since the facts placed on record show that the CT installed in January 2009 was of 15/5 with a meter ratio of ___/5, the MF taken as three (3) is technically correct.

10.0 Further, the consumer's contention that during change of the meter on 10.01.2009, the CT at site is shown as having a ratio of 15/5, whereas he was being billed after adopting a MF of '2' i.e. with CT ratio of 10/5, is evidently an error on the part of the Respondent/Discom. Since, the earlier CT had a ratio of 10/5 the bills appear to have been raised wrongly. As per the Meter Change Protocol Sheet of January 2009, the ratio of the CT should have been changed in the system, but this does not affect the merits of the case.

11.0 On the basis of the facts placed on record and the merits of the case, no change is necessary in the CGRF-NDPL Order dated 22.09.2011.

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

5th March 2012


(SUMAN SWARUP)
OMBUDSMAN