

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/2012/450

Appeal against the Order dated 14.11.2011 passed by CGRF-TPDDL
CG.No.3720/09/11/CVL.

In the matter of:

Shri V.K. Malhotra - Appellant

Versus

**M/s Tata Power Delhi Distribution - Respondent
Ltd.**

Present:-

Appellant: The Appellant Shri V.K.Malhotra was present in person.

Respondent: Shri K.L. Bhayana (Advisor) and Shri Vivek (Senior Manager-Legal), attended on behalf of the TPDDL

Date of Hearing: 24.07.2012

Date of Order : 26.07.2012

ORDER NO. OMBUDSMAN/2012/450

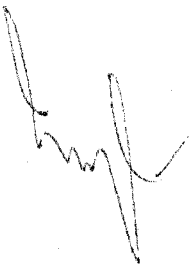
Shri V.K.Malhotra had filed an appeal against the order of the CGRF dated 14.11.2011, in which his contention that the DISCOM had wrongly billed him for his electric connection, had not been accepted.

The facts of the case are that the Appellant living at 1708, Gali Brahman, Sohan Ganj, Subji Mandi, Delhi – 110 007, had reported a fire to the DISCOM in which all the four meters installed at his residence, for the different floors, had burnt on 19.05.2011. The DISCOM raised bills of about Rs.17,000/- for six

months, treating the burnt meters as faulty, which was objected to, as the consumption had been less. The contention of the Appellant was that the meters were functioning correctly before the fire, and the low consumption was because some of the floors were not fully occupied by family members due to domestic requirements. The less recording of consumption in some meters was due to less usage, and not due to any defect. The DISCOM could not, therefore, use the low consumption as an argument to allege that the meters were defective before the fire leading to bills being raised under the Regulation 43 (ii) of the Delhi Electricity Regulatory Commission's Supply Code and Performance Standards Regulations, 2007.

During the arguments, the DISCOM was unable to cogently show how it had arrived at a finding of defective meters prior to the fire, given the Appellant's arguments that some portions of the house were not being used due to domestic reasons. The contention of the DISCOM that the Appellant was required to inform the DISCOM, in writing, of such less usage is not borne out by the specific wording of the DERC's Regulations, 2007, referred to above. Individuals are free to use their legitimate electricity connections to a lesser or greater extent as required by their domestic needs.

In the event the bills raised by the DISCOM appear to be based more upon assumptions than the demonstrated fact of defective meters. The DISCOM admits no checking of meters was done prior to the fire, and only an inference of defective functioning is being made. Hence, the contention of the DISCOM cannot be accepted.



The order of the CGRF dated 14.11.2011 that the accuracy of the meters could not be checked as the meters had burnt, and hence, the amount payable was assessed from 23.11.2010 to 23.05.2011, as per 43(ii) of the Regulations is, therefore, incorrect. It is not the responsibility of the Appellant to have the meter checked, as this burden is cast upon the DISCOM. Having not done so, the CGRF could not have relied on the DISCOM's conclusion that the billing had to be re-assessed, as per the above Regulations. It is found that the CGRF's order must be set aside and the Appellant's contention upheld.

The DISCOM will bill the Appellant only as per readings of the meters prior to the fire as well as the readings as per the new meter(s) installed after the fire. The period from the previous bill given before the fire to the date of fire will also be on the average of previous consumption as per original meters. No other revised billing is allowed. The appropriate bills may be issued to the Appellant within the period laid down by the Regulations.


(Pradeep Singh)
Ombudsman

26th July, 2012

