

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/2012/453

Appeal against the Order dated 14.11.2011 passed by CGRF—
TPDDL in CG.No.3527/06/11/SMB.

In the matter of:

M/s Shiv Charan Lal Ishwar Dass - Appellant
(through its Proprietor Smt. Gurpreet)

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: The Appellant, Smt. Gurpreet, was represented by
Shri B.P. Aggarwal, Advocate.

Respondent: Shri K.L. Bhayana (Advisor), Shri Vivek, Sr. Manager
(Legal) and Shri Samuel Christy, Manager (HRB) attended
on behalf of the TPDDL

Date of Hearing: 04.07.2012, 18.09.2012, 04.10.2012 & 06.11.2012

Date of Order : 10.01.2013

ORDER NO. OMBUDSMAN/2012/453

The Appellant, Smt. Gurpreet Kaur, proprietor of the registered consumer M/s Shiv Charan Lal Ishwar Das, 13, SSI Industrial Area, Delhi, filed an appeal through its advocate against the order of the Consumer Grievance Redressal Forum (CGRF) dated 14.11.2011. She contended that the Tata Power Delhi Distribution Ltd. (DISCOM) has raised an impugned bill of Rs.17,51,632.70p against her electricity connection K. No.45100129957 and CGRF had not passed a correct order.

The CGRF, in its order dated 14.11.2012, decided, inter-alia, that:

1. Bill for the units consumed from 16.05.2001 to 22.10.2003, when the meter was changed, is payable by the complainant being energy consumed.
2. The meter was changed on 22.10.2003 and the readings were not recorded after April 2004 but the CMRI (Common Meter Reading Instrument) data showed a cumulative consumption during 22.10.2003 to 16.02.2005 of 260899 units. This consumption, if calculated on a monthly basis, is commensurate with the consumption recorded after replacement of the meter on 05.07.2005. So the bill for 260899 units for the period 22.10.2003 to 16.02.2005 is payable by the complainant.
3. The complainant never approached NDPL for issue of bill as per reading when bills were not being issued and electricity was being consumed. By not asking for, and not paying, the bill interest on the amount was saved.
4. The bill after 16.02.2005 be prepared as per reading recorded.
5. The LPSC is waived off.

It is pertinent to go back to the history of the case for its evaluation in a broad perspective. The Appellant's connection bearing K. No.45100129957 was disconnected in October, 2000. The said connection was restored on 16.05.2001 with a new CT meter No.023787 (called first meter in this order). The first meter was replaced, at a reading of 74736 KWh, with a new meter No.02267805 (called second meter in this order) on 22.10.2003 with initial reading of '0' KWh.

The second meter installed on 22.10.2003 was checked by the Enforcement Team on 16.02.2005, resulting in billing of the consumer for 260899 units. The following is observed, as per material placed on record by the DISCOM:

1. During inspection on 16.02.2005, it was advised by the Enforcement Team to download the meter data for further analysis. The reading, as on the display, at the time of inspection was 60899.
2. As per comments furnished by the DISCOM, on the basis of the Meter Protocol Sheet and the Enforcement Inspection Report a bill revision for the

period 16.05.2001 to 22.10.2003 (for 74735 units) and 22.10.2003 to 16.02.2005 (for 263899 units) was done. As a result of this bill revision an amount of Rs.2,41,235/- was added in the Appellant's electricity account which was reflected in the bill. After addition of above amount, the outstanding bill against the connection came to Rs.17,61,633/-. The present Appellant represented against this amount to the CGRF.

(A hearing in the present appeal was held on 04.07.2012 when both the parties were present. Complainant wanted a detailed copy of the CMRI readout from 2003-2005, with technical explanations on the validity of the data, as he was not convinced of its genuineness. His major grievance was lack of preferring monthly bills and raising of too many "inflated" provisional bills. DISCOM was advised to supply this data in one month. They were also advised to settle the issue mutually, if appellant was satisfied with the facts. The next date of hearing was fixed on 18.09.2012.

(As no settlement occurred a hearing was held on 18.09.2012 with both the parties. The DISCOM had failed to supply the documents sought during the earlier hearing and was asked to immediately supply these. Later elucidation was sought on certain replies which were received on 26.09.2012 alongwith half hourly load survey data which was sought for the whole period from October, 2003 to July, 2005. This was furnished only from 04.12.2004 to 16.02.2005 contending that prior to 2005 meter downloading was not in practice and complete reading was done manually. A next date of hearing was fixed on 04.10.2012.

(From the perusal of the partial Load Survey data submitted by the DISCOM for the period 04.12.2004 to 16.02.2005, it is observed that during this period the factory had been running practically in three shifts most of the time. The main reason leading to the dispute, as per contention of the DISCOM, appears to be that the meter for which assessment has been made had a 5 digit display meter while meter data recording was in 6 digits. This led to a dialover but the party was not billed for the dialover.

The DISCOM was given a questionnaire and the crux of the matter as it emerges from the reply from the DISCOM is that raising of the average bills was due to delayed feeding of the meter change particulars into the system. Short charging of the consumer was because the meter No.02267805 (second meter) had a 5 digit meter display window as against meter data recording in 6 digits, leading to reading errors due to digital constraints in the meter display. For example, the reading as on 26.03.2004 was 76106, which was read as 16106 due to reading error, and the reading as on 28.12.2004 was 231552, which was read as 31552 due to digit constraints in the meter display. The reading as on 12.03.2005 was 278331, but was read as 58331 due to reading error and due to digit constraints in the meter display, and the reading as on 14.04.2005 was 301518 but was read as 1518 due to digit constraints in the meter display, and so on. The final reading as per the meter change protocol sheet of the meter no.02267805 (second meter), when replaced was 54561 KWh (to be read as 354561, due to digit constraints in the meter display as the first digit is not visible in display). Accordingly, the meter was replaced with New Reprogrammed meter with 7 digit display and 7 digit meter data recording.

On 04.10.2012, the next date of hearing Govt. of Delhi declared a holiday due to death of ex-CEC, Delhi, and the hearing was fixed on 06.11.2012, advising DISCOM to supply a 'separate sequence of events', alongwith the data.

During the hearing on 06.11.2012, the DISCOM handed over the meter manufacturer's letter dated 03.11.2012, inter-alia, confirming that the meter No.02267805 (second meter) is a 5 digit meter with respect to display and 6 digit meter for data recording. As such, the cumulative reading of downloaded data was **260899.08900 units KWh delivered** and **134764.495000 units kvah** which is authentic.

From the above, it can be inferred that there were two dialovers (overflow) in the KWh display reading.

This discussion confirms the occurrence of dialover which led to an initial, lower, billing by DISCOM. Further, indirect evidence of the correctness of the later billing is also available in the averages of consumption as discussed below.

The half hourly downloaded load profile shows the trend of the consumption pattern as under:

From	To	Days	Consumption (as per CMRI data)	Pro-rata Consumption (30 days/ 1 month)
04.12.2004	31.12.2004	27	15704	17448
01.01.2005	31.01.2005	31	17646	17646
01.02.2005	16.02.2005	16	10402	20804
<u>Avg.</u> 18632 (i.e. 621 units/day)				

A further reading of the meter record (as per ledger of Discom) before the dial over occurred is follows:

<u>Period</u>	<u>Reading (KWh)</u>
22 October 2003 =	1 (Date of installation)
23 December 2003 =	22740
28 January 2004 =	43013
24 February 2004 =	58860

This shows a consumption of 58860 KWh in 122 days from 22.10.2003 to 24.02.2004, which is 14475 units per month and 483 units per day. An average of 621 units/day and 483 units/day comes to 552 units per day.

If we apply this average of 552 per unit per day over the 480 days from 22.10.2003 to 16.02.2005 ($8+30+30+3065+31+16=480$) the estimated average consumption comes to $552 \times 480 = 264960$ units. This is in close proximity to the down loaded reading through CMRI data of 260889. This further substantiates the argument of the Discom.

In the sequence of events handed over on 06.11.2012 by the Discom the following points are made:

1. Zero units were charged in the billing for the first meter No.023787 installed against the connection on 16.05.2001. The meter was removed at a final reading of 74736 KWh units.
2. As per the analysis of the data downloaded on 16.02.2005 for the second meter (No.02267805) the consumer should have been charged for 255492 KWh units consumed from 22.10.2003, the date of installation, to 10.02.2005, but was billed only for 122233 KWh units i.e. short charge of 133259 KWh units.
3. The total short charge from the point no.1 & 2 adds upto 207994 KWh units between 16.05.2001 to 10.02.2005.
4. Upto the date of bill revision in July, 2005, bills amounting to Rs.17,51,635/- (Principal – Rs.15,47,032/-, LPSC – Rs.2,04,603/-) were raised (including charged short charges) between 16.05.2001 and 01.07.2005 against which payments of Rs.7,22,000/- only was made by the consumer.
5. The consumer didn't make any payment between April, 2004 and June, 2005 i.e. for a period of nearly 14 months.
6. 08 cheques bounced in between January, 2008 to October, 2010 amounting to Rs.4,83,727/-.
7. The reading as per meter data, and as authenticated by the meter manufacturer vide his letter dated 03.11.2012, is 260899 KWh units as on 16.02.2005. This reading is evident in downloaded meter data submitted.
8. No other meter data is required to substantiate that the total units consumed in the said meter no. till 16.02.2005 is 260899 KWh units and the same is claimed by TPDDL to be paid by the consumer till the downloaded date.

This information also sheds light on the respective claims including on the payments and bouncing of cheques.

Going by the totality of the case, it is felt that the recorded, unbilled, consumption for the period 16.05.2001 to 22.10.2003 of the first meter

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(no.023787), which was removed on 22.10.2003 with final reading of 074736, may be charged, on pro-rata basis, for the entire period, to the Appellant, excluding DVB period i.e. from 1st July 2002 onwards (the DISCOM period of supply) as per order of Delhi Government, without LPSC.

As regards the second meter (No.02267805), based on the foregoing facts placed on record, the party be billed from the date of its installation i.e. 22.10.2003 for 260899 KWh upto 16.02.2005, as per the downloaded data, and, thereafter, as per meter reading. As held by the CGRF, the LPSC is to be waived off. Credit for the payments already made for the billing period is to be given.

It is also observed that there has been deficiency in service of the DISCOM in not preferring regular bills/right bills causing undue harassment to the consumer calling for a total compensation of Rs.10,000/- to the Appellant.

The appeal is disposed off accordingly.


(PRADEEP SINGH)
OMBUDSMAN


January, 2013

