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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/2013/478

Appeal against the Order dated 10.02.2012 passed by CGRF–
TPDDL in CG.No.3739/09/11/SKN.

In the matter of:

Shri Mahesh Gupta - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Mahesh Gupta was present in person.

Respondent: Shri K. L. Bhayana (Advisor), Shri Vivek, Sr. Manager (Legal), Shri Surender Khurana, HOG (R & C) attended on behalf of the TPDDL

Date of Hearing: 19.09.2012, 07.01.2013

Date of Order : 12.03.2013

ORDER NO. OMBUDSMAN/2013/478

An appeal has been filed by Shri Mahesh Gupta on 03.04.2012 through his Advocate, Ms. Reena Jain Malhotra, 6, Sagar Apartments, Rear Block, Ground Floor, Tilak Marg, New Delhi-110001, against the Consumer Grievance Redressal Forum (CGRF) – NDPL's final order dated 10.02.2012 in CG No.3739/09/11/SKN on account of raising of an impugned bill of Rs.573748/- for 90513 units in the month of March, 2006 for his electricity connection bearing K.No.35300142823 (Meter No.9624756).

It is considered pertinent to go into the background of the events of the case for a proper evaluation.

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The consumer before the CGRF submitted that he is a registered consumer of the above electricity connection installed in the year 1999. According to him, the DISCOM has been raising provisional bills which he was depositing timely. But in the month of March, 2006, he has received one bill showing consumption of 90513 units. The meter was replaced, for some reason, with a new meter No.202841 on 05.09.2002. Reportedly, the fact of replacement of meter could not be updated in the records and average bills were being issued upto 17.07.2004 after which no more bills were issued. A bill was issued on 03.01.2006 with the remarks Premises Locked (PL). Later, a reading of 92920 was recorded on 07.03.2006 and a reading of 95623 on 04.05.2006. For this, a bill for 90513 units was prepared and issued. Since the record had not been updated indicating replacement of meter, the meter reading record did not match the actual reading taken on the above two days. To resolve the issue, an inspection was held on 30.06.2009 and the meter No.202841 was found installed with a reading of 5114 which is, reportedly explained by the dialover that took place. It is at this stage found that the records for replacement of meter had not been updated. This updation was then carried out.

According to the consumer, this was an excess bill, for 90513 units, for which he lodged a complaint to the DISCOM on 06.08.2006. Against this alleged excess billing of 90513 units, he filed a case before the Consumer Dispute Redressal Forum (CDRF) which was dismissed as the connection was considered as commercial. The High Court also directed him to avail the alternative remedy available to him. The Appellant also approached the Permanent Lok Adalat (PLA) before filing the case in the CGRF.

The CGRF has, in its orders, agreed that the lack of updation of records at the time of installation of meter No.202841 caused the problems and hence there was no excess billing. They also noticed that the complainant never approached the then NDPL to explain the issue of average bills upto 17.07.2004 and the lack of issue of bills from 17.07.2004 to 07.03.2006 even though energy was being consumed regularly. They, therefore, agreed that the bill for 95613 units consumed from 05.09.2002 to 04.05.2006 was correct and was payable. Being unhappy with this order the Appellant had filed this appeal.

The appeal was taken-up after confirmation of deposit of the mandatory 1/3rd amount as per CGRF order and the supply of the consumer was ordered to be restored. On receipt of comments from DISCOM the case was fixed for hearing on 18.07.2012. This was, however, postponed to 19.09.2012 as per request of the Appellant's Advocate. In the hearing held on 19.09.2012 both sides were asked to give written submissions by 24.09.2012.

On receipt of the written submissions certain clarifications were again sought from the DISCOM and they were also advised to send the original K.No. file of appellant before the next date of hearing i.e. 07.01.2013 to ascertain the nature of the connection and its purpose of use as the Appellant was claiming the area was being used only as a godown.

In the hearing held on 07.01.2013 the DISCOM could not make available the K.No. file but were asked to supply other details in the matter and to give a reply with respect to the clarifications sought vide this office letter dated 26.12.2012 for the following:

1. Reconciliation of the records of readings taken manually on meter reading book vis-à-vis the K. No. Summary Statement (to ascertain the genuineness of the DISCOM's readings).
2. Non-issue of bills from 17.07.2004 to 07.03.2006 (as per CGRF order) and non-issue of notice under Clause 18 (iv) of the Performance Standards Metering & Billing Regulation, 2002 despite the fact the premises has been shown repeatedly with "PL" (Premises locked). No readings were taken as shown by the remarks for this period.

The above confirmation/reconciliation was sought to evaluate the case in its entirety and also to ascertain the correctness of the K. No. summary statement record by comparing it with the manual meter readings shown on the meter reading record book furnished by the DISCOM.

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In addition to the K. No. Summary statement and the meter reading book records, the DISCOM, on its own, also forwarded an e-mail dated 08.01.2013 attaching a copy of the Meter Checking Report dated 16.12.2008 which was available in their records and which was duly signed by the Appellant. This was not placed on record earlier and showed "the consumer's meter to be 2.25 % fast" i.e. within the permissible limit of accuracy.

Further, the DISCOM vide its reply dated 09.01.2013, in response to our queries raised vide this office letter dated 26.12.2012, clarified that though the readings had been noted in the manual meter reading book these did not get punched in the system. This happened during the initial transitional period of DVB privatization when the processes were not very mature and such exceptions occurred resulting in NR_s (No Reading) remarks (implying readings not taken) with provisional bills being raised based on past consumption prior to the said period. The DISCOM further confirmed with emphasis that readings were taken on 07.03.2006 and 04.05.2006 which were 92920 KWH and 95623 KWH respectively (cognizance of which has been taken by CGRF). The reading of 95623 KWH was from the date of replacement of meter (05.09.2002) and the consumption period is approx. 44 months.

To sum-up the fact is that the meter has been found to be accurate on testing on 07.03.2006 and 16.12.2008 and also the meter remained at site upto 03.01.2009. The consumption was never disputed by the complainant. The appellant never approached the DISCOM for regular bills during 17.07.2004 to 07.03.2006, as also pointed out by CGRF in its order.

The reading based bill for the 95613 units consumed during 05.09.2002 to 04.05.2006, by levying tariff applicable year-wise, is thus payable by the appellant as ordered in the CGRF order. However, there clearly was a deficiency in service in not preferring bills to the consumer based on proper readings for many years from 05.09.2002 to 07.03.2006. Instead provisional/average basis bills were sent over this long period which is not proper. Though credit for all payments made by the consumer for this period has to be given by the DISCOM, he need not be compensated for this deficiency

as he himself did not ask for proper bills from the DISCOM as would be the commonsensical approach of any consumer, if he did not receive bills over a period of months, let alone years.

However, the lack of proper readings being taken on a regular basis, the lack of proper billing for a prolonged period, including not updating data or recording change of meter shows inaction of the DISCOM which led to needless litigation being undertaken after the consumer received an alleged large, and to him, unclear bill. This calls for an internal inquiry by the DISCOM for fixing responsibility whose results must be made known to us within 3 months.

The appeal is, therefore, disposed off accordingly with the above orders.


(PRADEEP SINGH)
Ombudsman


March, 2013

