

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/2012/486

Appeal against Order dated 29.03.2012 passed by the CGRF–TPDDL in
CG.No. 3975/12/11/NRL

In the matter of:

M/s Jingle Bell Amusement Park (P) Ltd. **Appellant**

Versus

M/s North Delhi Power Ltd. **Respondent**

Present:-

Appellant The Appellant, M/s Jingle Bell Amusement Park (P) Ltd. was represented by Shri V.K.Goel, Advocate

Respondent Shri Vivek, Sr. Manager (Legal), and Shri Ashish Singh (Legal Retainer) attended on behalf of the Respondent

Date of Hearing : 04.07.2012, 31.10.2012

Date of Order : 21.12.2012

ORDER NO. OMBUDSMAN/2012/486

M/s Jingle Bell Amusement Park (P) Ltd., Motel/Resort, Alipur Bypass, Main G.T.Road, Delhi – 110 036, has filed a appeal against the order of the CGRF-TPDDL dated 29.03.2012, wherein the CGRF has not accepted their plea regarding wrong billing, and ordered the Appellant to pay the revised correct bill to be prepared by the DISCOM, as per their order.

The issues before the CGRF were:

- i) use of wrong multiplication factor during billing
- ii) belated correction of multiplying factor and issue of an arrears bills on corrections
- iii) whether such belated bills are covered by Section 56(2) of the Electricity Act, 2003, and, finally,
- iv) whether the billed amounts are payable with or without late payment surcharge.

All the same points were argued on 31.10.2012 in the present appeal, after which both parties desired some more time to resolve the issue and a hearing was fixed on 12.12.2012. In the hearing held on 12.12.2012, both parties reported that the issue could not be resolved and desired that orders be passed on the merits of the petition.

It is seen from the detailed examination done in the CGRF's order that all the issues listed above have been adequately analyzed, and no new facts or arguments were placed in appeal which were not relied upon before the CGRF. Since the entire issue arises from a mistake made in the multiplication factor to be applied, it may be desirable to mention some details in this regard. In the inspection report prepared by the DISCOM at the time of release of new connection on 30.11.2002, a multiplication factor of 12 has been clearly mentioned and accepted by the Appellant through his own signature, and this document is available in the record. As noted by the CGRF in its order dated 29.03.2012 a multiplication factor of 1 (one) was inadvertently used and bills were raised accordingly based on which payments were made. Once this mistake came to notice in July 2003, the subsequent bills from then

onwards were issued based on the original multiplication factor of 12. The difference between the amount due from November 2002, when the connection was energized, to July, 2003, when the error was noticed and corrected, was also billed as caused by clerical mistakes. The Appellant also apparently paid part of the money demanded viz Rs.4.5 lakhs as against Rs.8.32 lakhs raised.

Some technical points relating to the issue are that at the time of energization of connections on 30.11.2002, and while releasing the additional load of 60 KW (on the existing load of 80 KW) on 16.03.2004, the same meter and CT – PT unit (Current Transformer & Potential Transformer) with Multiplying factor (MF) at 12 were existing. The same meter continued till 27.06.2005 with the new load of 140 KW.

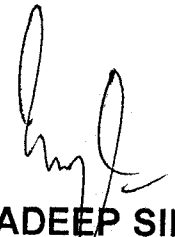
Further, in this case the current transformer on site, which feeds the meter, has a CTR (Current Transformer Ratio) of 60 / 5 i.e. 12, which means that against 60 Amps current drawal by the consumer the current fed to the meter would be 5 Amps. The meter installed is of ---- /5A (Amperes) i.e. of the same rating as that of current transformer (CT). Thus the multiplying factor (MF) of the meter is the same as that of current transformer (CT) i.e. 12 in this case. This was also applied while noting down meter readings on both occasions and was duly signed on 30.11.2002 by the consumer.

Further, annotation remarks made in the DISCOM's record while releasing additional load 60 KW on the existing load of 80 KW on 16.03.2004 viz., "It may take note the CT-PT unit of CTR- 60 / 5 is installed for 140 KW sanctioned load which is very much on higher side,

District Authorities are requested to replace the same and install CT-PT Unit of CTR – 10 / 5A as per sanctioned load.” (sic) also reconfirm the multiplying factor to be 12 since the energization of the connection in 2002.

The above technical analysis shows the multiplying factor was always 12 during the disputed period and that a clerical error of this kind can happen and when discovered needs to be corrected. The issue that the amount cannot be recovered at this late stage as there is legal limitation which applies and that section 56(2) of the Electricity Act, 2003, is attracted has been dealt with by the CGRF. They have correctly held that this will not stand in the way of recovery.

Given these facts, there is no infirmity in the CGRF's order, which is upheld, and the Appellant is directed to pay the amount assessed by the DISCOM in terms of the CGRF's order.



(PRADEEP SINGH)
OMBUDSMAN

21/88 December, 2012 (