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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.: 39506011 Fax No.26141205)

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**Appeal No: Electricity Ombudsman/2005/49**

Appeal against Order dated 30.8.2005 passed by CGRF – NDPL on CG No.: 03554/06/05/BDL

**In the matter of:**

M/s Neeraj Industries - Appellant

**Versus**

M/s NDPL - Respondent

**Present:-**

**Appellant** Shri Ravi Sood, CEO and  
Smt. Bulbul Sood, Finance Controller of M/s Neeraj Industries

**Respondent** Shri Suraj Das Guru, Legal Advisor,  
Shri Abhinav Aggarwal, HOG (R&C) BDL and  
Shri Jitendra Singh, District Manager, Badli of NDPL

Date of Hearing : 16.12.2005 & 20.12.2005  
Date of Order : 04.01.2006

**ORDER NO. OMBUDSMAN/2006/49**

The following four issues were raised by the appellant before the CGRF-NDPL:

- Issue No. I** – Additional bill on 66.66% slow meter found on 15.2.05
- Issue No. II** – Delay in load enhancement
- Issue No. III** – Delay in restoration of supply.
- Issue No. IV** – Refund of excess amount charged alongwith interest

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As he could not get the relief asked for, he filed an appeal in the Office of Electricity Ombudsman on 28.9.2005 against the CGRF-NDPL order dated 30.8.2005.

After examining the contents of the appeal, clarifications received from the Discom and records called for from CGRF, the case was fixed for hearing.

Mr. Ravi Sood, CEO and Mrs. Bulbul Sood, Finance Controller of M/s Neeraj Industries attended the hearing.

Mr. Suraj Das Guru, Legal Advisor, Mr. Abhinav Aggarwal, HOG-R&C, Badli and Mr. Jitendra Singh, District Manager, Badli of NDPL, attended the hearing.

Contention of both the parties were heard on each issue. Findings and orders are as under:

**Issue No. I – Additional bill on 66.66% slow meter found on 15.2.05**

On 24.11.2003, the appellant made a request for checking the meter which he suspected was running fast. As no action was taken by the respondent, appellant lodged a complaint on website vide numbers:

- i) NDPL 0014076 dated 19.4.2004
- ii) NDPL002267 dated 6.8.2004

The appellant also made a complaint in the office of CEO-BSES on 19.11.2004.

The respondent stated that no action was taken as meter testing fee, as per DERC Regulations 20(i)a was not deposited. The respondent also did not inform the appellant that his request would be considered only on depositing the testing fee. It is desirable that the Discoms educate the consumers for their guidance on such issues as consumers are unaware of all the rules.

Finally the meter was tested on 15.2.2005 when it was found 66.66% slow. Accordingly, an assessment bill was raised which is contested by the appellant.

Statement of Electricity Consumption Pattern of the appellant from 31.5.2002 to 21.02.2005:

S.N.	Date From	Date To	Current Meter Reading	Previous Meter Reading	Consumption	
1.	31-05-02	30-06-02	842460	828480	13980	]
2.	30-6-02	31-07-02	849990	842460	7530	]
3.	31-07-02	30-08-02	5240	0	5240	]
4.	30-08-02	30-09-02	7860	5240	2620	]
5.	30-09-02	25-10-02	15720	7860	7860	]
6.	25-10-02	28-11-02	35830	15720	20110	]
7.	28-11-02	27-12-02	53010	35830	17180	]
8.	27-12-02	31-01-03	69210	53010	16200	]
9.	31-01-03	27-02-03	84200	69210	14990	]
10.	27-02-03	31-03-03	97330	84200	13130	]
11.	31-03-03	29-04-03	115540	97330	18210	]
12.	29-04-03	31-05-03	135480	115540	19940	]
13.	31-05-03	28-06-03	151480	135480	16000	]
14.	28-06-03	30-07-03	180610	151480	29130	]
15.	30-07-03	30-08-03	205150	180610	24540	]
16.	30-08-03	30-09-03	232030	205150	26880	]
17.	30-09-03	31-10-03	266650	232030	34620	]
18.	31-10-03	29-11-03	290180	266650	23530	] 'A'
19.	29-11-03	27-12-03	296634	290180	6454	]
20.	27-12-03	27-01-04	318308	296634	21674	]
21.	21-01-04	24-02-04	334504	318308	16196	]
22.	24-02-04	27-03-04	366399	334504	31895	]
23.	27-03-04	28-04-04	394566	366399	28167	]
24.	28-04-04	29-05-04	414117	394566	19551	]
25.	29-05-04	<b>28-06-04</b>	<b>433989</b>	<b>414117</b>	<b>19872</b>	]
26.	28-06-04	22-07-04	442682	433989	8693	}
27.	22-07-04	22-08-04	450868	442682	8186	}
28.	22-08-04	25-09-04	463114	450868	12246	}
29.	25-09-04	26-10-04	472831	463114	9717	} 'B'
30.	26-10-04	27-11-04	480132	472831	7301	} average
31.	27-11-04	28-12-04	490022	480132	9890	} 9284 units
32.	28-12-04	27-01-05	498984	490022	8962	}
33.	27-01-05	21-02-05	506504	498984	7520	}

Statement of Electricity Consumption Pattern w.e.f. 21.02.2005

S.N.	Billing Month	Date From	Date To	Current Meter Reading	Previous Meter Reading	Consumption	
1.	Feb'05	21-02-05	24-02-05	2495	0	2495	]
2.	Mar'05	24-02-05	30-03-05	27130	2495	24635	] 'C'
3.	Apl'05	30-03-05	20-04-05	55880	27130	28750	]
4.	May'05	20-04-05	12-05-05	74857	55880	18977	]

Statement of Electricity Consumption Pattern w.e.f. 12.05.2005

S.N.	Billing Month	Date From	Date To	Current Meter Reading	Previous Meter Reading	Consumption	
1.	May'05	12-05-05	24-05-05	4202	0	4202	}
2.	June'05	24-05-05	20-06-05	25530	4202	21328	}
3.	July'05	20-06-05	20-07-05	49692	25530	24162	} 'C-1'
4.	Aug'05	20-07-05	20-08-05	79604	49692	29912	} average
5.	Sept'05	20-08-05	20-09-05	109499	79604	29895	} 26245 units
6.	Oct'05	20-09-05	20-10-05	137603	109499	28104	}

Perusal of consumption pattern of the appellant reveals that the monthly average consumption was consistently on the increase upto 28.06.2004, as in 'A' – Page 3.

After June'04 the average monthly consumption during the period 28.6.2004 to 27.01.2005 dropped to **9284** units per month, as in 'B' –Page 3. The respondent informed that the meter was tested on **15.02.2005** when it was found 66.66% slow. After replacement of slow meter, the average monthly consumption during the period 24.2.2005 to 12.5.2005 as in 'C' – Page 3 and 12.5.2005 to 20.10.2005 in 'C1'– Page 4 above was **26245** units per month.

It is quite likely that the huge drop in consumption after June 2004 to February 2005 is due to improper functioning of the meter on two phases (66.66% slow) as is evident from the meter testing report of 15.02.2005.

The appellant contended that during this period there was heavy rain, the area was flooded due to which his work suffered, causing low consumption. He was asked whether such situation of flood lasted for six months or whether there is evidence of lack of work/less production/manufacture during this period. He was advised to explain the reasons for low consumption during the period 28.6.2004 to 27.1.2005 with documentary proof.

Even though he was given time to explain, the low consumption recorded in his meter during the period 28.6.2004 to February 2005 (when meter was replaced), the appellant could not offer any valid explanation. However, the appellant contended that he was not satisfied with the meter testing done on 15.2.2005 as calibration certificate of the testing equipment was not shown to him. Since the tested meter (defective) was still lying at the appellant's premises, the Discom was directed to get the meter re-tested on **22.12.2005** when calibration certificate would be shown to the consumer at site and the fresh meter testing report would be submitted in this office.

1206

The Discom informed vide letter dated 23.12.2005 that the meter was again tested on 22.12.2005 and calibration certificate was shown to the consumer who refused to sign on accuracy test report. Copy of the meter testing report dated 22.12.2005 is furnished by the respondent. As per this meter testing report, energy recorded by the old defective meter was 1.2 kwh and by acqua check meter 3.009 kwh. Based upon above readings the error works out to 60.1% slow. **The slow recording (60.1%) meter explains the low consumption recorded by it during the period 15.8.2004 to 21.2.2005. Therefore, respondent is directed to revise the assessment bill already raised for the six month (15.8.2004 to 21.2.2005) based on meter testing results dated 22.12.2005 (60.1% slow).**

#### **Issue No. II – Delay in load enhancement**

The appellant applied for load enhancement on 26.4.2004 from 28 Kw to 50 Kw, but, new meter on enhanced load was fixed on 12.5.2005 i.e. with a delay of more than one year.

The respondent stated that load enhancement application was dated 30.7.2004, site was verified on 31.7.2004, dues allocated on 7.8.2004 for which a letter was sent to the appellant. It was also stated that delay in enhancement of load is due to the fact that the appellant allowed arrears to accumulate which were not liquidated by him. If fact, instalments had been granted to him which were not paid regularly. LPSC had already been waived by the Discom in the first instance before he approached the CGRF-NDPL.

The statement of accounts reveals that due/arrears started accumulating with effect from September 2003 and arrears as on 28.4.2004 ( date of load enhancement application ) were Rs.3,18,178/-. It appears the appellant was making part payment of bills raised on him. As per maximum demand indicator recorded by the meter the appellant was found using excess load even before the actual load enhancement was sanctioned. As the appellant was already using excess load which was sanctioned later, the delay in load enhancement did not lead to any loss to the appellant. When specifically asked whether he suffered any loss due to delay in sanction of enhanced load, the appellant affirmed that there was no monetary loss or production loss due to this. **Accordingly, no compensation is due to the appellant as asked for on this account.**

#### **Issue No. III – Delay in restoration of supply.**

The appellant made a complaint on 4.8.2004 regarding failure of electricity supply at his premises and supply was restored on 9.8.2004 i.e. after 5 days. Respondent could not give any specific reason for delay in restoration of supply.

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He was asked to explain whether such a long period of five days for restoration of supply was actually required. If there was any fault in the consumer's installation, was any defective memo served to the appellant.

The Business Manager – Badli, stated vide letter dated 20.12.2005 that supply was disturbed due to water ingress in main electrical panel supply. The complaint was referred to Meter Management Group for restoration of supply which was restored after repairing of service line. No other serious fault was reported by the respondent. Due to undue delay in restoration of supply, the appellant has suffered harassment and mental agony. **Accordingly, a token compensation of Rs.2000/- is awarded to him.**

**Issue No. IV – Refund of excess amount charged alongwith interest**

The appellant stated that excess normative amount charged due to wrong sanctioned load appearing in the bills was refunded as per CGRF's order. But the CGRF had not allowed any interest on this amount. The respondent stated that no new issue can be raised before Ombudsman which was not part of earlier complaint. **A copy of the complaint made before CGRF was shown to the respondent which clearly indicated that the appellant has prayed for refund of excess charges alongwith interest.** The amount wrongly charged from the appellant must be refunded with interest. **Accordingly, interest will be paid on the excess amount recovered at the same rate as is charged from consumers for late payment (LPSC) by the respondent.**

This order shall be complied within 15 days of its receipt by the Discom. Compliance report will be submitted to this office intimating the calculations of the assessment bill (page 5) and the quantum of interest paid on excess amount refunded (page 6 above).

Accordingly, the order of CGRF-NDPL dated 30.8.2005 is set-aside.

31/1/2006  
(Asha Mehra)  
Ombudsman

**Dated: 4<sup>th</sup> January 2006**