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Office of the Electricity Ombudsman

A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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Appeal No. F. ELECT/Ombudsman/2013/496

Appeal against the Order dated 22.05.2012 passed by CGRF–TPDDL
in CG.No.4123/03/12/NRL

in the matter of:

Shri Vinay Gupta

- Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present

Appellant: Shri Kshitiz Mahipal, advocate, attended on behalf of the
Appellant

Respondent: Shri Vivek, Sr. Manager (Legal), attended on behalf of the
TPDDL

Date of Hearing: 15.01.2013, 13.03.2013

Date of Order : 26.03.2013

ORDER NO. OMBUDSMAN/2013/496

This appeal has been preferred by the consumer, Shri Vinay Gupta, against the order of the Consumer Grievance Redressal Forum (CGRF) dated 22.05.2012 in which his contention regarding wrong bills has not been accepted and the consumer was held liable to pay the re-assessed amount as directed by the CGRF.

The complainant had filed a case before the CGRF stating that he is the user of electricity CRN No. 60004362327 (registered consumer Smt. Parvinder Kaur), installed with a sanctioned load of 90 Kw for industrial purpose. According to him, the meter was running fast and he had made a complaint to the Discom on

07.12.2011 and duly paid Rs.500/- as inspection fees on 09.06.2011. Accordingly the meter was tested on 09.06.2011 and was found 0.07% slow which is within limits. The complainant, however, contended the testing of the meter was wrong as it was done at "160 revolutions". According to him, as per notification of DERC, the meter is required to be tested at 1800 revolutions. He, therefore, alleged that a false and fabricated report was prepared on this account. According to him after the month of June, 2011 inflated readings were being shown due to fast running of meter while the MDI was almost same.

Thereafter, he received a bill for the month of December, 2011 showing the reading as '0' (Zero). As he had noticed on 07.12.2011 that there was no display in the meter, he immediately lodged a complaint vide no. 2001612142, but no action was taken by the Discom. According to him as per clause 39 of Regulation 2007, the meter is required to be checked within 15 days but the official of the Discom checked it on 30.12.2011 approx. 21 days later. The new meter was sealed on 17.01.2012. On this date, the reading in the retained meter was shown at 399464. He alleged that the meter reading was displayed upto 12.11.2011 but the Discom did not raise bills as per reading but as per assessment bill for the period 12.08.2011 to 17.01.2012 which is wrong. He further alleged that his business is for manufacturing pet bottles production of which decreases in the winter season as shown in VAT returns and, hence, the DISCOM should take into account the seasonal variation in his bill.

The Discom in its reply before the CGRF stated that after receiving the complaint from the consumer in May 2011, it immediately checked the meter. The accuracy was found to be (-) 0.07% which was within the laid down accuracy limits.

Regarding the issue of revolutions during testing it stated that this depends on the load being put on the meter for a particular period of time which affects the revolutions of the meter. The meter constant is shown at 160 revolutions and pulse has also been taken at 160. Therefore, there is no abnormality. After the second complaint of the consumer on 07.12.2011 it immediately inspected the meter and downloaded the data. The matter was referred for ERDA testing and a case under section 135 (DAE/Theft) has been booked and a show cause notice is already served upon him. According to it the meter was not replaced on 30.12.2011 but on 17.01.2012 as no visible reading (NV) was found on 30.12.2011 itself. The OK reading as on 12.11.2011 was 394740 KWH and, thereafter, no reading was available. On this account it was justified in making the assessment it did.

The CGRF has found the contention of the complainant that reassessment should be done for the period from 13.11.2011 to 17.01.2012 only is correct and ordered that this be done on the basis of consumption during the 1 year period from 11.11.2010 to 12.11.2011.

Now the complainant has filed the present appeal in which he has reasserted his contention as before the CGRF and added that the basic period of consumption is wrong. The Discom has opposed the appeal reasserting its contentions before the CGRF.

Both the parties were heard. It is found that both before the CGRF and in this appeal the Discom has clearly stated that the meter was sent for ERDA testing.

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The argument of the complainant to consider his VAT returns does not have any weightage as this is not a valid plea under the Regulations. Even if the consumer tries to show lower production through his documents these are not conclusive evidence as industrial units do not always maintain correct documents. There is no Govt. agency certification of the quantum of production in this case, nor can such figures be used under the Regulations.

The CGRF was right in holding that uptill the time when the meter recorded consumption, bills can only be issued as per reading. Therefore, it had correctly stated the defective period to be only from 17.11.2011 to 17.01.2012 and the basis of assessment is as per the DERC Supply Code and Performance Standards Regulations, 2007. Therefore, no change is warranted in the CGRF order dated 22.05.2012.


(PRADEEP SINGH)
Ombudsman

26th March, 2013