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(Phone No.: 32506011, Fax No.26141205)

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The Appellant submitted that he had indeed intimated on 21.05.2012, in writing, his inability to attend the hearing on 22.05.2012 in which he also pointed out that his premises do not have a MTNL landline connection. In spite of this, the CGRF did not take this fact into account and proceeded to pass orders against him.

A hearing was held on 16.01.2013 on his appeal and the same points were put forward. The contention was that he complained about a faulty meter in September, 2011 which was replaced on 07.10.2011. The revised bill submitted thereafter was high and his contention of the premises lying vacant, which is proved by the Delhi Jal Board bills, was not taken into account.

It is a fact that the order of the CGRF did not place reliance on the water bills but wanted MTNL bills for the same purpose. It is not clear why the MTNL bills would have been more reliable in the eyes of the CGRF as compared to water bills since MTNL landlines can be substituted by mobile telephones. On the other hand less consumption of water in the house is a more reliable indicator of the occupants not being present, specially in the relatively warm months of August & September (the vacant period was indicated to be from about 09.08.2011 to 21.09.2011 by the Appellant during the hearing).

From the record of the CGRF it is evident that the applicant had informed them about his inability to come on the day of hearing viz. 22.05.2012 and a fresh date should have been given. Further, the failure to produce MTNL bills, cited as a reason for his submission having no substance, is not fatal to his case. It is also not a relevant issue to the case as his application of 21.05.2012 indicated that his premises had never had a MTNL landline. On the other hand the water bills submitted clearly

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indicate a fall in the consumption of water from 24 K.L. to 3 K.L. only which points to the premises being unused for some period in August/September. It is not incumbent upon the Appellant to inform the DISCOM of any less use of his premises. Nor is it his fault that the meter was not recording accurately. Clearly the premises were occupied for a lesser period during which the consumption would have been lower which, but for the faulty meter, would have been correctly recorded.

(Given the above circumstances, I accept the argument of the Appellant and direct the DISCOM to issue a bill on a pro-rata basis based on an indicated vacancy from 09.08.2011 to 21.09.2011 on the consumption of same period during last year. No further proof of vacancy is required in this case.

The appeal is therefore accepted.


(PRADEEP SINGH)
Ombudsman

24th January, 2013

