

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/2013/545

Appeal against Order dated 08.10.2012 passed by the CGRF-TPDDL in CG.No. 4484/07/12/NRL

In the matter of:

M/s J.N.Footwear Pvt. Ltd.

Appellant

Versus

M/s Tata Power Delhi
Distribution Ltd.

Respondent

Present:-

Appellant The Appellant was represented by Shri B.P.Agarwal, Advocate.

Respondent Shri Vivek, Sr. Manager (Legal), Shri Raushan Kumar, Manager (HRB) and Shri Vikas Gupta, Officer (HRB), attended on behalf of the Respondent.

Date of Hearing : 02.04.2013

Date of Order : 02.05.2013

INTERIM ORDER

M/s J.N.Footwear Pvt. Ltd., H-1246, DSIDC Industrial Area, Narela, Delhi – 110 040, received a bill of Rs.11,86,750/- in which an amount of Rs.11,06,188/- had been reportedly added, but no details had been given. They approached the CGRF-TPDDL for correction of the bill. The matter was looked into and the DISCOM explained that during the inspection on 14.1.2011, an Enforcement Team found a technical flaw of the voltage being missing even when the load was running and this led them to replace the relevant meter

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(K.No.43505095334) on 29.1.2011. Analysis of the data showed that less consumption was being reportedly recorded due to low voltage on two phases w.e.f. 13.9.2009. This led the DISCOM to charge the above amount and also an amount of Rs.17,799/- from 15.1.2011 to 29.1.2011 on the basis of average consumption recorded during 20.8.2008 to 31.8.2009 amounting to a total billing of Rs.12,00,794/-.

In the CGRF, it was pointed out that the Regulation 38(f) only allows DISCOM to charge for a maximum period of not more than six months in the case of a meter functioning beyond the limit of the accuracy. Orders were accordingly passed and the late payment charges were also ordered to be withdrawn. The DISCOM sent a revised bill of Rs.6,21,220/- on the basis of the CGRF's order but the Appellant was not satisfied and filed this appeal.

He argued that the period used to calculate the due amount for the six months had to be a period prior to the time when the meter was found defective, i.e. before 13.9.2009. The period after installation of the new meter from 29.1.2011 to 10.2.2012 could not be used as had been ordered by the CGRF since Regulations 43(i) specifies that the twelve month period prior to the period during which the meter remained defective is to be used.

A hearing was held on 2.4.2013, during which these issues were discussed. The DISCOM relied on Regulation 43(ii) for calculating the charges for these six months as they contended that the recorded consumption of the past twelve months prior to the meter becoming defective was not available or was partially available, and hence the next twelve months after installation of new meter would be allowed to be used for billing purposes. This was not found correct as the DISCOM own record has data prior to 2009 which,


therefore, has to be used as per Regulations 43(i). The DISCOM verbally agreed to do so, and issue the revised bill within 10 days. On this being done both parties were to inform the Ombudsman's office of the matter being resolved.

The verbatim text of the Interim Order recorded in the file is as follows:

"Hearing held. Discom relies on 43(ii) that next 12 months, after change of meter, is used as data of one year prior to 2009, when the meter was found defective, is not available. This is not correct as Discom's own records have data for one year prior to 2009 which should be used,

DISCOM agrees to do so and issue revised bill within 10 days. On this being done both parties will inform us of the matter being resolved. Put up on receipt of this intimation."

This interim order is being issued at the request of the DISCOM dated 23.04.2013.


(PRADEEP SINGH)
OMBUDSMAN

2nd May, 2013

