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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.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2013/558

Appeal against the Order dated 28.02.2013 passed by CGRF–
TPDDL CG.No. 4571/08/12/NRL.

In the matter of:

Shri Rajeev Sharma - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri B.P. Agarwal, Advocate, attended on behalf
of the Appellant.

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

Date of Hearing: 21.05.2013, 09.07.2013

Date of Order : 19.12.2013

ORDER NO. OMBUDSMAN/2013/558

This appeal has been preferred by Shri Rajeev Sharma of A-248, DSIDC Industrial Area, Narela, Delhi - 110040, against an order of the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 28.02.2013 asking him to pay an amount of Rs.14,07,125/- for electricity consumed in the above premises over a period of time. The connection bearing CA No.60008422549 is registered in the name of one Shri Vishal Jain and Shri Rajeev Sharma, Complainant, is the tenant.

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It appears that the **First meter (no.02082434)** was energized at the premises on 16.02.2004. This was replaced on 27.01.2005 due to DERC's requirement of installing Lag only configuration meters. The **Second meter (no.04261480)** lasted from 27.01.2005 to 15.06.2011 and was found faulty/burnt due to higher load reaching upto 60 KW as against the 8 KW sanctioned. The **Third meter (no.51005473)** lasted from 15.06.2011 to 23.12.2011 and was also found faulty this time with one phase current reported missing. The **Fourth meter (no.51003657)** was also burnt and lasted from 23.12.2011 to 27.03.2012. The **Fifth meter (no.52014181)** installed on 27.03.2012 was functioning normally. During this period, the consumer requested for load enhancement on 09.04.2012 which was allowed for 61 KW and the meter was replaced on 05.06.2012. Finally, the **Sixth meter (no.93403058)**, which is still functioning as on date, had its load further enhanced upto 83 KW from 06.05.2013. The details of the meters changed and the reasons for replacement with some remarks are available in the attached Annexure 'A'.

At various points in the repeated changed of meters, the consumer was being billed amounts either based on readings or based on the estimated consumption as provided in the DERC Supply Code and Performance Standards Regulations, 2007. The CGRF has gone into the details of the different billings carried out and has come to the conclusion that the appropriate Regulations were followed at different points in time, for different periods related to each meter as it malfunctioned. They have not found any serious flaw in the action taken and have ordered the payment of the revised bill of Rs.14,07,125/-.

In the hearings held the Complainant stated that he was not supplied regular bills or was supplied bills with a heading 'BILL ROKO'. He also said that the TPDDL (DISCOM) was not prompt enough in changing the faulty meter in time which then required them to raise bills on estimated basis due to the delay. Certain issues were also raised related to the amount of security taken from the Complainant at the time of enhancement of sanctioned load from 8 KW to 61

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KW in 2012. The CGRF had commented that since this enhancement of security deposit etc. of Rs.1,02,780/- was not deposited it was added to the bill and have found no flaw in this. The Complainant had also mentioned that some further amount has been added to the bill supplied to him which was not brought before the CGRF. The Complainant pointed out that the CGRF had not allowed installments for payment of the bill and had given just 21 days to make the entire payment.

The above facts show that the functioning of the industrial unit over the years happened in the background of increasing electrical load which was initially at 8 KW. Repeatedly, the meters appear to have either got burnt or become faulty on about four occasions due to what appears to be a high electrical load. It is only after the installation of the fifth meter in March, 2012 that the consumer moved for load enhancement in April, 2012 which has resulted in the sixth meter, with enhanced load, functioning satisfactorily so far. The load was, further, enhanced from 06.05.2013 as mentioned above and the MDI has reportedly even touched 118 KW subsequently. The DISCOM should take appropriate action to address this issue as well under the appropriate Regulations.

Given this backdrop, the consumer cannot really raise issues about the meters going out of order and object to the estimated bills delivered to him. It is seen from the orders of the CGRF that the periods used for preparing estimated bills under different meters have been the appropriate ones as provided in the Regulations and are even favorable to the Consumer given his consumption pattern. It is not understood why the DISCOM continued to issue bills with the designation 'BILL ROKO' inspite of this practice having been objected to in earlier orders of the Ombudsman passed in other cases. The terminology 'BILL ROKO' does not appear to have been prescribed by the DERC and should not be used. Instead the relevant number of the relevant Regulation used for the purpose of estimating consumption should be quoted while issuing the estimated

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bills, if required due to malfunctioning meters. From the consumption pattern over the years, it is clear that the consumption as well as load has been gradually increasing (See Consumption Table with Annexure A). Had the Customer and the DISCOM both taken timely action to revise the load, the frequent meter change may not have been needed. The orders issued by the DERC, vide Ref. No.F.11(548)/DERC/2009-10/C.F.No.2373/4557 dated 01.02.2011, relating to enhancement of MDI also empowered the DISCOM for enhancing the load suo moto rather than wait for the meters to be repeatedly out of order thus creating the problem of billing. The MDI pattern is available in Annexure – A and clearly shows increasing load after about September, 2010.

During the hearing the Complainant made the point that his consent (or lack of dispute) regarding the meters, as specified in Regulation 38 (b) as well as 38 (f), should have been recorded and the meter testing carried out followed by replacement. However, it is noted that in the case of the second meter change, it is the consumer himself who is stated to have reported the meter burnt on 14.06.2011 which was then changed on 15.06.2011. In many subsequent inspections/change of meters, Shri Rajeev Sharma, the Complainant, is reported to have been present. Hence, this argument does not carry much merit. At each stage the consumer has either been actively involved in reporting the problem or has been present while the meters were being checked/replaced. Hence actions cannot be said to have been consistently taken behind his back. Regarding the security amount of Rs.1,02,780/- which was sought from the Complainant when he applied for enhancement of sanctioned load, no reasons have been by the Complainant why this is not as per Regulations. The Complainant has not clarified whether the security deposit or development charges are not payable and, if so, what amount is actually payable. It cannot be his case that no amount is payable. A mere assertion that this is not as per Regulations is not adequate and hence the view taken by the CGRF that it is payable is found in order.

The point raised by the consumer that some extra amounts have been added to the bill given to him in pursuance of the CGRF's orders are **fresh issues** which he needs to take up with the CGRF again if there is a basis for it. In so far as this office is concerned, no major flaw has been pointed out in the order of the CGRF. Adequate time has elapsed since the passing of the CGRF order, and the granting of the stay by this office, to enable payment by the Complainant in installments. It is presumed that the Complainant has been making payments of current and old bills over this period of time. In any case the 1/3rd payment made as part of the procedure for filing this appeal will stand adjusted in the pending amount. In any case, the DISCOM can, and should, allow him a reasonable period of time in terms of installments. No specific time period has been requested and none is being fixed here. The DISCOM must bill him the amount specified in the CGRF order only. Any further amounts will have to be billed separately. The Complainant is free to approach the CGRF for this, if he is still not satisfied with the DISCOM's response.

It is clear from the above that the DISCOM has been remiss in taking prompt action from time to time which has resulted in inconvenience to the Complainant as he did not receive regular bills and had to pay estimated bills, thus creating uncertainty in his mind. Further, he had to approach the CGRF as well as the Ombudsman to resolve the matters. Given the inadequate response of the DISCOM and the inconvenience caused thereby, it is considered appropriate that an amount of Rs.50,000/- should be paid by the DISCOM to the Consumer. With this the CGRF's order is upheld and the appeal is dismissed.


(PRADEEP SINGH)
OMBUDSMAN

19/12

December, 2013

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SHRI RAJEEV SHARMA VS. TPDDL

Sr. No.	Sequence	Meter no.	Sanctioned load (SL)	Date of installation/ Energization	Date of replacement	Reason for replacement	Remarks
1.	First:	02082434	8 KW	16.02.2004	27.01.2005	DERC orders requiring Lag only configuration meter to be installed.	1. First reading on 23.09.2004 with 2428 KWh units in 221 days (11 units /day).
2.	Second:	04261480	8 KW	27.01.2005	15.06.2011	Meter Faulty	1. Meter may have burnt due to higher load being used between Jan. 2010 to Jun. 2012, MDI reaching to the levels of 60 KW. 2. Last OK reading recorded on 08.03.2011. 3. Amount from 08.03.2011 to 14.06.2011 (Rs.1,75,100/-) based on consumption during 03.03.2010 to 08.03.2011. 4. Consumer reported this meter burnt on 14.06.2011. 5. Consumer argued before CGRF, there is no dispute of the bill upto 08.03.2011, the same started thereafter as BILL ROKO was issued two times.
3.	Third:	51005473	8 KW	15.06.2011	23.12.2011	Meter Faulty. Retained on site.	1. Only one consumption of 2277 units recorded on 04.08.2011. 2. Removed at reading of 65035. Period is from 15.06.2011 to 23.12.2011 of 190 days at an average of 340 units per day. 3. Retained meter no.51005473 checked on 16.03.2012 in the presence of consumer. Found one phase current missing. Connected load was 43.297 against SL 8 KW. Not found tampered. Data downloaded shows blue phase current open and hence defective Recommendation: Assessment to be done on the basis of one phase missing.

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Annexure - A

Sr. No.	Sequence	Meter no.	Sanctioned load (SL)	Date of installation/ Energization	Date of replacement	Reason for replacement	Remarks
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4. Fourth: 51003657 8 KW 23.12.2011 27.03.2012 Meter burnt. Retained on site.

4. The said retained meter was again checked on 21.03.2012, no physical abnormalities found
5. Amt. of Rs.3,68,473/- assessed for period 22.06.2011 to 22.12.2011 based on consumption 03.03.2010 to 08.03.2011, as per DISCOM's reply.
6. The said retained meter no.51005473 removed on 30.07.2012.
7. Complainant argued blue phase current not missing continuously but intermittently. Consumption recorded intermittently so assessed amount based on one phase missing is wrong. To be assessed as per Regulation 43 (i).
8. CGRF directed amount for the period 23.06.2011 to 22.12.2011 (limited to six month) be assessed based on consumption during 03.03.2010 to 08.03.2011, as per Regulation 43 (i).
1. The last OK reading recorded on 07.03.2012.
2. Consumption was 20912 from 23.12.2011 to 07.03.2012. Meter faulty from 08.03.2012 to 26.03.2012.
3. Amount assessed (Rs.2,02,621/-) for period 23.12.2011 to 26.03.2012 of 95 days at an average of 220 units/day, based on consumption during 03.03.2010 to 08.03.2011 on one phase missing.
4. CGRF directed amount for period 08.03.2012 to 26.03.2012 be assessed based on consumption during 03.03.2010 to 08.03.2011.
5. MDI recorded on 07.03.2012 was 36 kva against SL 8 KW.



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Sr. No.	Sequence No.	Meter no.	Sanctioned load (SL)	Date of installation/ Energization	Date of replacement	Reason for replacement	Remarks
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5. Fifth: 52014181 8 KW 27.03.2012 05.06.2012 Meter replaced due to load enhancement from 8 KW to 61 KW.

1. Consumption was 67345 for period 27.03.2012 to 04.06.2012 of 95 days at an average of 962 units/per day.
2. Consumer requested on 09.04.2012 for load enhancement.
3. Amount Rs.1,02,780/- adjusted on account of security deposit and service line cum development charges.

6. Sixth: 93403058 (LTCT Meter) i) From 08.06.2012 to 05.05.2013 SL 61 KW
ii) From 06.05.2013 onwards SL 83 KW

----- continuing -----

till date

05.06.2012

i) From 08.06.2012 to 05.05.2013 SL 61 KW
ii) From 06.05.2013 onwards SL 83 KW

1. Consumption was 225508 for period 05.06.2012 to 05.05.2012 of 335 days at an average of 673 units/per day.
2. Consumption was 90932 for period 06.05.2013 to 09.07.2013 of 65 days at an average of 1399 units/per day.

3. Even after load enhancement, MDI touched 85 KW between the period June, 2012 and March, 2013.

4. Load increased from 61 KW to 83 KW, as per DERC regulations.

5. Still MDI crossing the SL of 83 KW after March, 2013 and has touched 118 KW i.e. 35 KW more on 07.06.2013.

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Annexure - A (Contd.)

CONSUMPTION TABLE

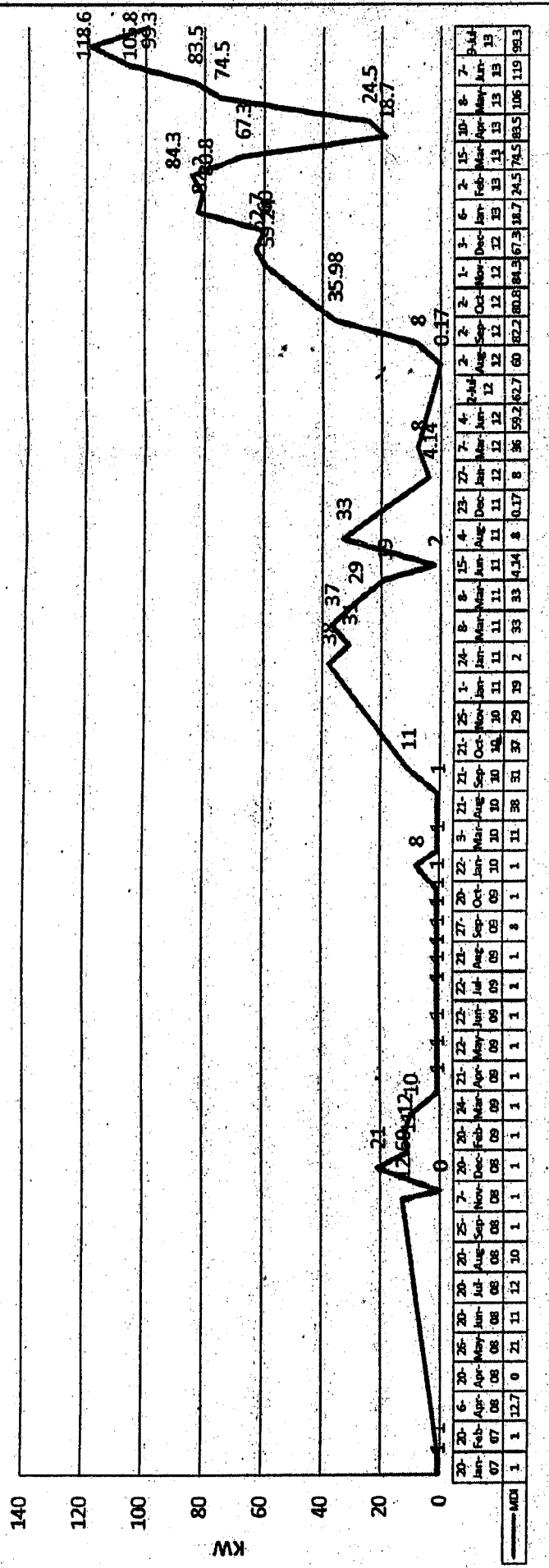
Meter no.	Meter usage Period	Sanctioned Load during the period	Specific periods of consumption	Consumption	Days	Average Consumption (KWh units) per day	Assessed units
2082434	16.02.04 to 26.01.05	From 16.02.2004 to 07.06.2012 SL 8 KW	16-Feb-04	2428	221	11	
			24-Sep-04	0	125	0	
			27-Jan-05	0	936	0	
			21-Aug-07	31125	366	85	
			25-Sep-08	0	485	0	
			23-Jan-10	126119	411	307	
			9-Mar-11	Meter Faulty	99		9 Mar to 14 Jun'11 units : 33178
			15-Jun-11	65014	191	340	15 Jun to 23 Dec'11 units : 65002
			23-Dec-11	20912	76	275	
			8-Mar-12	Meter Faulty	19		08 Mar to 26 Mar'12 units: 6094
51005473	15.06.11 to 22.12.11	From 08.06.2012 to 05.05.2013 SL 61 KW	27-Mar-12	67345	70	962	
51003657	23.12.11 to 26.03.12		5-Jun-12	225508	335	673	
52014181	27.03.12 to 04.06.12		5-May-13	90932	65	1399	
93403058	05.06.12 to till date		6-May-13				

Source : TPDDL

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MDI



Source : TPDDL

