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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)

Appeal No. F. ELECT/Ombudsman/2006/61

Appeal against Order dated 7.11.2005 passed by CGRF – NDPL on CG No.: 0448/08/05/KPM

In the matter of:

Shri Dheeraj Gupta - Appellant
(On behalf of Shri Prakash Chand Gupta)

Versus

North Delhi Power Ltd - Respondent

Present:-

Appellant Shri Dheeraj Gupta

Respondent Shri Amit Bansal, Officer (Enforcement) and
Shri Suraj Das Guru of NDPL

Date of Hearing : 12.04.2006

Date of Order : 16.05.2006

ORDER NO. OMBUDSMAN/2006/61

The Appellant had 48.46 KW connection installed at his premises B-70/75, DSIDC, Keshavpuram, Delhi-110 035 with K No.32100907802. The Appellant paid full bill for March 2005. He received April 2005 bill for Rs. 3,09,080/- containing arrears of Rs. 2,48,188.39 without mentioning any details. On contacting NDPL Officials, he was informed that arrears were for the defective period 19.4.2002 to 22.11.2003. Record shows that a new meter No. 020782 was installed on 25.5.2002. Thereafter no monthly reading was recorded but against the column for monthly reading, every time MRL (Meter Room Locked) was recorded upto 26.11.2002. Further monthly reading recorded are as under :

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On 27.12.2002 – R – 4290 units
On 27.1.2003 – R – 4990 units
On 25.2.2003 – R – 5730 units

For subsequent period again MRL, PL (premises locked) and MGL (Main gate locked) was recorded. Meter No. 020782 was replaced on 15.11.2003 at reading 5735 i.e. the recorded consumption from 25.2.2003 to 15.11.2003 was only 5 units (5735 – 5730). The remark "Burnt" was recorded on the top left side of the meter changed proforma report. This was taken as meter burnt by the Respondent and April 2005 bill containing arrears was raised as already stated above. The Appellant represented that the entire meter was not burnt but one terminal was found burnt at the time of replacing the meter and same was set right. As such, the arrear bill be withdrawn as meter was not burnt. The Appellant submitted some records of E-mail communications between Commercial Manager(KPM) and Manager(M&G) which shows that NDPL was not sure whether meter was actually burnt or not. In his complaint before CGRF-NDPL, Appellant stated that he bought the machinery / installed in January/February 2003 after buying the premises on 21.5.2002. In view of Appellant's contention, CGRF reduced the assessment period to 25.2.2003 to 15.11.2003. Not satisfied with the decision of CGRF, the Appellant filed this appeal for withdrawal of arrear bill and prayed that a revised bill upto 15.11.2003 be raised on the basis of actual consumption recorded by the meter.

After examining the records of the CGRF, clarifications sought from the Discom and contents of the appeal filed by the Appellant, hearing was fixed for 12.4.2006. Shri Dheeraj Gupta, the appellant, attended the hearing, in person. Shri Amit Bansal, Officer (Commercial) and Shri Suraj Das Guru attended the hearing on behalf of NDPL.

In the appeal, the Appellant has stated that he consumed electricity only after replacement of meter on 15.11.2003. When asked, the Appellant could not produce any evidence to substantiate his contention. He, however, agreed that electricity was being used in the office for water pumps and for test running of the machines. Ombudsman asked Mr. Amit Bansal who had changed the meter and prepared the meter change report to explain what actually he did on 15.11.2003 while replacing the meter. Mr. Amit Bansal admitted that "burnt" remark was recorded by him on the instructions of his Supervisor (Assistant Manager) after the complaint of the consumer. The Appellant stated that he had made a telephonic complaint regarding non availability of 3 phase supply. When asked, Shri Amit Bansal admitted that no testing was done to ascertain the working of the old meter. There was no evidence with the Respondent which could show that the old meter was found burnt. The consumption pattern, as already mentioned above, shows that old meter had recorded only 5 units from 25.2.2003

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to 15.11.2003 though electricity was being used for office, water pump and test running of the machines etc. as stated by the consumer. Consumption pattern further shows that after replacement of meter on 15.11.2003, new meter started recording 4 digits consumption which later on increased to 5 digits consumption per month. This clearly indicates that meter had stopped recording actual consumption after 25.2.2003. As per Section 26(6) of the Electricity Act 1910, DVB orders dated 10.5.2000 and Delhi High Court orders on the subject, the maximum period allowed in a revised bill when the meter is defective is six months and no more.

In view of above, the bill be revised for a period of six months prior to 15.11.2003 on the basis of average consumption recorded by the new meter after 15.11.2003 as proper record of earlier consumption pattern for earlier defective meter is not available.

Respondent was asked to submit detailed calculations of revised demand till March 2006 containing assessment for a period of six months. The **revised demand** containing dues w.e.f. 11.5.2002 upto meter reading of 20.3.2006 of the new meter was submitted on 27.4.2006 with **payable amount of Rs.1,25,347.99p** after adjusting the payments made w.e.f. 19.4.2002 to 19.4.2006 amounting to Rs.13,31,037/-.

Accordingly, CGRF order is modified to the extent above.


(Asha Mehra)
Ombudsman