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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/2014/631

Appeal against the Order dated 06.06.2014 passed by the CGRF–
TPDDL in CG.No.5810/03/14/SMB.

In the matter of:

Shri Roshan Lal Aggarwal - Appellant

Versus

**M/s Tata Power Delhi Distribution - Respondent
Ltd.**

Present:-

Appellant: **Shri B. P. Agarwal, advocate, attended on behalf
of the appellant.**


Respondent: **Shri Vivek, Sr. Manager (Legal) and Shri
Manish Kumar (AM – Legal) attended on behalf
of the TPDDL.**

Date of Hearing : 03.09.2014

Date of Order : 05.09.2014

ORDER NO. OMBUDSMAN/2014/631

An appeal was filed by one Shri Roshan Lal Aggarwal, proprietor of M/s Prekom Industries, D-6, SMA Industrial Estate, G.T.K. Road, Delhi, against an order of the Consumer Grievance Redressal Forum - Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 06.06.2014 for not accepting his plea that the amount of Rs.2.9 lakhs assessed for the period 22.04.2011 to 09.08.2011 should be set-aside and not recovered on various grounds.



The CGRF had not accepted his plea and had asked him to pay the amount as the CMRI (Common Meter Reading Instrument) data showed the blue phase of the current supplied had been found defective by the enforcement team of the DISCOM on 23.06.2011 and the meter was, therefore, not recording correct consumption due to faulty CT/PT (Current Transformer/Potential Transformer) unit.

The replacement of the CT/PT unit on 09.08.2011 led to a reassessment of the consumption. The DISCOM assessed that 1/3rd of the actual consumption had to be added to that recorded on the meter and billed to the customer.

The CGRF in its order upheld the claim of the DISCOM, basing it upon the CMRI data downloaded and analyzed. This action of the DISCOM was found correct and the matter was closed with a compensation of Rs.1,750/- for the delay in replacing the CT/PT unit in the meter from 22.06.2011, the date of inspection, till 09.08.2011. The actual time required for this under Regulation 38 (f) of DERC Supply Code and Performance Standards Regulations, 2007 being 15 days, this delay was compensated with the above amount.

In the appeal file, it was argued that no show-cause notice was given and no opportunity of a personal hearing was given to the appellant prior to raising the bill and the accuracy check of the meter was not done. The meter of the appellant was also not checked in any independent laboratory.

A hearing was held in the matter on 03.09.2014. The appellant also raised the issue that the demand raised by the DISCOM is barred by limitation under Section 56 (2) of the Electricity Act, 2003, as the bill was raised two years after the period for which it pertains.

It is seen from the facts brought on record that the entire case of the appellant hinges around lack of show-cause notice for a defective meter.



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However, in this case, it is not the meter which was found to be defective but the associated piece of equipment called the CT/PT which was malfunctioning. The meter itself was not faulty. The DERC Supply Code and Performance Standards Regulations, 2007 specifically mentions cases relating to defective meters/burnt meters/meters not recording but are silent on the issue of associated equipment and wiring related matters except that the DISCOM is supposed to check the consumers wiring. No show-cause notices are specified on such matters and the DISCOM has the overall responsibility for safe and secured supply of electricity falls and is charged with maintaining this properly. Thus, in this case, there was no requirement of show-cause notice or independent testing. The checking of CT/PT took place on the basis of downloaded data. The delay in raising of the bill by more than 2 years has not been explained by the DISCOM but is not a fatal delay for Section 56 (2) applies only after the demand is first raised.

There not being any substantive legal reason advanced by the appellant for setting aside the CGRF's decision, their order is, therefore, upheld. The appellant was asked whether he has any production data of his unit which could substantiate his implicit argument that he had actually consumed less power in the concerned period thus casting doubt on the DISCOM's claim of upward revising of power consumption by 1/3rd on the ground of the fault in the CT/PT unit. However, the appellant has not clarified the matter.

In terms of the above, the appeal is dismissed and the DISCOM is asked to recover the amount assessed by the CGRF in four equal installments.


(PRADEEP SINGH)
Ombudsman



September, 2014

