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**Office of 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)

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**Appeal No: Electricity Ombudsman/2006/66**

Appeal against Order dated 3.2.2006 passed by CGRF – BRPL on Case No.: CG/662/2004.

**In the matter of:** Mr. Madan Mohan Tiwari - Appellant

**Versus**

M/s BRPL - Respondent

**Present:-**

**Appellant** Shri Madan Mohan Tiwari

**Respondent** Mrs. Renu Antony, Addl. Manager – Customer Care,  
Shri Biswajit Biswas, Commercial Officer and  
Shri Balak Ram, Accountant on behalf of BRPL

Date of Hearing : 18.4.2006  
Date of Order : 19.4.2006

**ORDER NO. OMBUDSMAN/2006/66**

The appellant filed an appeal on 10.2.2006 against the Order of CGRF dated 3.2.2006. In the appeal, the appellant stated he had filed a complaint of fast running meter on 10.10.2004 on the basis of which his meter was tested on 20.11.2004. The test results showed the meter running fast by +1.64%. The meter was again tested on 3.12.2004 which showed the meter running fast +21.46%. On filing a complaint in CGRF, the CGRF ordered that the period of six months prior to the filing of the complaint ( i.e. 10.04.2004 up to 4.7.2005 when meter was replaced ) may be treated as defective. It ordered that an assessment be made of the defective period (10.04.2004 to 4.7.2005) on the basis of the

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consumption recorded by the Replaced electronic meter from 4.7.2005 till January 2006.

The appellant not satisfied with the order of CGRF filed an appeal in the Office of Electricity Ombudsman.

After calling for records from CGRF-NDPL, clarifications/comments from Discom and examination of contents of the appeal, the case was fixed for hearing on 18.4.2006. Shri Madan Mohan Tiwari, in person, attended the hearing. Mrs. Renu Antony, Addl. Manager – Customer Care, Mr. Biswajit Biswas, Commercial Officer and Mr. Balak Ram, Accountant attended on behalf of the Discom.

The appellant sought the following relief.

1. Defective period may be treated as the period from date of installation of the defective meter till its replacement on 4.7.2005. In other words the appellant wants the entire period since installation of meter to be considered defective.

It is noted that the appellant filed a complaint of fast running meter with the Discom only on 10.10.2004. Therefore, in this case the defective period will be determined from the date of complaint by the appellant, and, there is no reason to believe that during the period before the date of complaint, the meter was also defective. If it were so, he would have complained of the fast running meter earlier i.e. before 10.10.04

A reading of Regulation 19(i) (b) &(c) as also 20 (i) (c) of the DERC Regulations 2002, shows that error caused by fast/slow reading meter is allowed to be corrected for a period not exceeding six months from the date when dispute has arisen. Further, the Hon'ble Delhi High Court in the case of H.D.Shourie V/s MCD held that maximum period for which a bill can be raised in respect of defective meter under Section 26(6) of Electricity Act (9 of 1910) is six months and no more, irrespective of period of defective meter. Therefore even if a meter has been defective for, say a period of 5 years, the revised charge can be for a period not exceeding six months.

Considering the above High Court decision and the DERC regulations mentioned above, it is imperative that the defective period in this case will be restricted to six months prior to the date of complaint which was made on 10.10.2004. **Therefore the entire period since the date of installation of meter cannot be considered as defective in the absence of a complaint made before 10.10.2004.**

On this point, I agree with the findings of the CGRF.

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2. The second point raised in appeal by the appellant is that the basis of calculation of consumption of six months prior to the date of complaint may be based on energy consumed by him on the basis of old meter i.e. prior to the replacement of the meter

In accordance with 2 (ii) of Regulation 21 of DERC Regulations mentioned above "where the recorded consumption of past six months prior to the date meter became defective, is either not available or partially available, the consumption pattern as obtained from such lesser period along with the above mentioned subsequent six months' pattern shall be deemed sufficient for estimation of consumption.

The CGRF in its order dated 3.2.2005 have already ordered that the defective period 10.04..2004 to 04.07.2005 may be assessed on the basis of consumption recorded by the electronic meter w.e.f. 4.7.2005 to January 2006. On this point also I agree with the CGRF order.

In view of the above, there is no substance in the grievance raised in appeal. Therefore, it is rejected.

अशा मेहरा  
(Asha Mehra)  
Ombudsman