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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/2006/67**

Appeal against Order dated 30.1.2006 passed by CGRF – BRPL on Complaint No.: CG-446/2005.

**In the matter of:**

Shri B.M.Khurana - Appellant

**Versus**

M/s BSES Rajdhani Power Ltd - Respondent

**Present:-**

**Appellant** Shri Anil Kumar on behalf of the appellant

**Respondent** Shri Vinod Sharma, Business Manager – Alaknanda  
Shri Sunil Singh, Business Manager (just taken over) and  
Shri Biswajit Biswas, Commercial Officer on behalf of BRPL.

Date of Hearing : 06.06.2006

Date of Order : 15.06.2006

**ORDER NO. OMBUDSMAN/2006/67**

The appellant had an electric connection with K.No. 2510N0720252 for 5.59 kw sanctioned load at his premises 54, Krishna Market, Kalkaji, New Delhi.

Bills on average basis were being issued with a remark "meter faulty" on the bills. All such bills were paid prior to 7.1.2004.

Three number single phase meters were existing at the premises prior to 7.1.2004 for the 3 phase industrial connection.

Due to some technical snag bills on actual reading basis could not be issued after 1999 though readings of these three number single phase meter were regularly recorded as admitted by the Business Manager before CGRF during hearing. These 3 Nos. single phase meters were replaced by single 3 phase meter on 7.1.2004.

After replacement of meter on 7.1.2004, the respondent raised a demand for the past 3 years and 10 months prior to 7.1.2004 based on actual readings recorded by single phase meter for a n amount of Rs.27.00 lakhs which was later on revised to Rs.4,79,891/-.

Against above demand of the respondent , the appellant filed a complaint in CGRF-BRPL which passed an order dated 31.1.2006 for recovery of electricity charges for a period of 3 years i.e. 6.1.2001 to 7.1.2004 based on actual readings of 3 single phase meters. As per CGRF order assessment for the defective period 29.9.2004 to 1.8.2005 was to be done provisionally on the basis of consumption recorded by new meter during 7.1.2004 to 29.1.2004 and subsequently, final assessment on an average of Base Period I - from 7.1.2004 to 29.1.2004 and Base Period II - from 11.10.2005 to 11.9.2006.

Against the above order of CGRF, the appellant filed this appeal with the prayer that electricity charges for the past 2 years prior to 7.1.2004 be charged as per the Electricity Act 2003 on the basis of consumption of new meter.

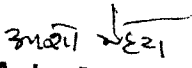
The case was fixed for hearing on 6.6.06. Shri Anil Kumar attended the hearing on behalf of the appellant. S/Shri Vinod Sharma, Business Manager-Alaknanda, Shri Biswajit Biswas, Commercial Officer and Shri Sunil Singh, Business Manager (just taken over) attended the hearing on behalf of the Respondent.

After taking into consideration the submissions made by the appellant and the respondent, it is ordered as under:

- 1) Since prior to 7.1.2004 regular bills on an average basis were being raised and the same were being paid with no arrear mentioned in them, therefore, as per provisions of Section 56(2) of Electricity Act 2003, the respondent can recover for the past 2 years prior to 7.1.2004 w.e.f. 6.1.2002 to 7.1.2004 on the basis of actual readings recorded by 3 single phase meter during the relevant period.
- 2) The meter which became faulty on 1.8.2005 was replaced on 11.10.2005. Therefore, assessment for the defective period w.e.f. 29.9.2004 to 11.10.2005 be done on the basis of average for the Base Period I - 7.1.2004 to 29.9.2004 and Base Period II - w.e.f. 11.10.2005 to 7.2.2006 (as per billing cycles) thereby covering the base period of about one year.

Revised bill alongwith details be provided to the appellant by 30.6.2006 and compliance of the same may be intimated to this office.

CGRF-BRPL order dated 30.1.2006 is modified to the extent above.

  
(Asha Mehra)  
Ombudsman