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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)

Appeal No. F. ELECT/Ombudsman/2006/75

Appeal against Order dated 06.03.2006 passed by CGRF – BYPL on
Complaint No.: C.G.-21/01/2006 (K.No.1241Q5100646)

In the matter of:

Mrs. Vandana - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant Mrs. Vandana, with her husband

Respondent Shri R.K. Aggrawal, Business Manager
Shri Hemant Gupta, Advocate on behalf of BYPL

Date of Hearing: 23.08.2006

Date of Order : 25.08.2006

ORDER NO. OMBUDSMAN/2006/75

The appeal is regarding connection K.No. 1241Q5100646 in respect of Flat No. 35H, PKT B/7, Janta DDA Flats, Kondli, Delhi. After receipt of the appeal necessary information was sought from the Respondent Company as well as from the Appellant in regard to the issues raised therein. After receipt of case records from the CGRF and information from both the parties, the case was fixed for hearing on 11.8.2006. Shri R.K. Aggrawal, Business Manager and Shri Hemant Gupta, Advocate attended on behalf of the Respondent. The Appellant attended in person along with her husband. The Appellant stated that her Janta Flat as mentioned above was lying vacant for the past more than five years and electricity bills based on minimum charges/fixed charges were issued and paid till 11.3.2005.

On 11.3.2005, the DISCOM changed the existing meter with new electronic meter under Mass Meter Replacement Programme. The new meter recorded consumption and the consumer received reading bills which were high. The Appellant made representations dated 4.6.2005,

30.7.2005, 5.11.2005 and 9.12.2005 requesting for bills on minimum basis since the flat continued to be locked even after change of meter. The appellant did not receive any reply from the DISCOM. Since the Appellant did not pay the bills based on consumption, the supply was disconnected and meter removed by the licensee on 19.1.2006.

The appellant filed a complaint in the CGRF which passed an order dated 06.03.06 after hearing both parties. The CGRF in its order (dated 6.3.2006) has stated that this Forum had directed the DISCOM to inspect the premises and file its report. It has further stated that site was not inspected by the DISCOM officials. Yet it passed the order directing the DISCOM to issue revised bill by spreading the units recorded during the last ten months without charging any LPSC.

It is against this order of the CGRF that the appellant has come before the Ombudsman. The grievance of the Appellant remains that the house was locked and there can be no charges based on consumption because there was no consumption as flat was not in use. She has, therefore, requested for continuance of bills based on minimum charges as before.

During the hearing before Ombudsman, the DISCOM referred to its letter dated 10.07.06 wherein it was stated that on receipt of Appellant's representation dated 5.11.05 it got the appellant's meter checked and though the meter was found to be accurate within permissible limits earth leakage was detected and consumer was advised to get its internal wiring checked. The DISCOM was directed to inspect the premises and report whether the premises appeared to be in use during the period under consideration and report by 23.8.2006.

On 23.8.2006, Shri R.K. Aggrawal, Business Manager of the Respondent Company attended alongwith Shri Hemant Gupta, Advocate. The appellant attended in person along with her husband. The Business Manager of the DISCOM admitted that the premises was not in use for the last approximately three years. It was stated that "on the date of inspection i.e. on 18.8.2005, the premises was not found in a living condition and seems to be not in use since long."

As per DERC guidelines, after installation of the electronic meter, if it is observed that EL LED is emitting light the Licensee is required to advise the consumer that some leakage in the internal wiring is indicated and that he should get his wiring checked to remove such leakage. In this case the officials of the Licensee failed to do so.

It is a fact that while **electro-mechanical meter records energy supplied on the basis of line current flowing through the meter, the electronic meter is so designed that it records higher of the line current and neutral current flowing through the meter.** Line current in fact relates to the energy supplied to the consumer. Normally line current should be equal to the neutral current flowing through the meter, but due

to some intermixing of neutral wires or common neutral connections the neutral current can increase or become more than the line current. If the difference between the two exceeds some percentage the EL indicator will glow indicating some problem. In such a case the extra energy recorded by the electronic meter does not represent the correct energy supplied by the DISCOM. It can be said to be recording fictitious energy. The appellant cannot be made to pay for fictitious energy recorded erroneously by the meter. The officials of the Licensee, as per the DERC guidelines mentioned above did not advise the appellant to get her internal wiring checked on installation of the electronic meter. They advised the appellant of this only after so many complaints made by her. On receipt of first representation from appellant, consumer premises should have been checked to verify consumer's contention that flats is locked/not in use. This was done only after Ombudsman's direction. This is a serious deficiency of service.

In view of the findings in the site inspection report, that the flat is not in use, the contention of the Appellant is found to be correct. It is therefore ordered that;

- (1) Fixed charges alone will be charged till the date of disconnection of meter;
- (2) No reconnection charges will be charged;
- (3) For the period there is no supply, fixed charges also will not be levied;
- (4) The appellant will ensure that the internal wiring has been rectified and
- (5) The meter will be installed immediately.

The order of CGRF is set aside.


(Asha Mehra)
Ombudsman