

78

**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/2006/76**

Appeal against Order dated 16.03.2006 passed by CGRF – BRPL on  
Complaint No.: C.G.-13-2006/F1/439 (K.No.NP0131231731/000/NHP)

**In the matter of:**

M/s Vansh Properties - Appellant

**Versus**

M/s BSES Rajdhani Power Ltd. - Respondent

**Present:-**

**Appellant** Shri S.N.P. Punj, Director of the Appellant Company  
Shri A.K. Vadera, Additional General Manager

**Respondent** Shri Rajul Agarwal, Additional Manager, KCC on behalf of  
BRPL.

Date of Hearing: 08.09.2006

Date of Order : 26.09.2006

**ORDER NO. OMBUDSMAN/2006/76**

This appeal is filed on 12.4.2006 against CGRF order dated 16.3.2006. The Appellant has a commercial connection with sanctioned load of 90 KW at his premises E-11, Kailash Colony, New Delhi. The facts of the case based on the contents of the appeal, reply of the BRPL to the clarifications sought for by the Ombudsman and scrutiny of the records of the CGRF emerge as under:

The Additional Manager (KCC) vide his letter dated 15.6.2005 informed the Appellant that the said connection had recorded a maximum demand of 117.60 KW on 18.5.2005, therefore, as per DERC tariff schedule for the year 2004-05, tariff is changed to MLHT when the MDI exceeds 100 KW. The Appellant challenged the change of tariff from NDLT to MLHT before the

77

CGRF. The CGRF gave no relief hence the appeal against the CGRF order to the Ombudsman.

After scrutiny of the contents of the appeal and the CGRF records, clarifications were sought for from the BRPL on 19/6/06. These were received on 6/7/06, and 13/07/06. On 19/07/06, the case was fixed for hearing on 18/8/06. The appellant vide letter dated 10/8/06 prayed for postponement of the date as Shri S.N.P Punj the Director of the appellant Co., who is conversant with the facts of the case was out of India. The next date of hearing was fixed on 08/09/06.

On 8.9.2006. Shri S.N. P. Punj, Director of the Appellant Co. attended in person along with Shri A.K. Vadera, Additional General Manager of the Appellant Company.

Shri Rajul Agarwal, Additional Manager (KCC) attended on behalf of the Respondent Company.

In its appeal to the Ombudsman, the Appellant stated that the MDI exceeded 100 KW only momentarily in May 2005 and that too for less than half an hour; therefore, change of tariff from NDLT to MLHT for six months on the basis of one single instance is unjustified. It was also stated that BRPL web page shows that there will be change of the category from NDLT to MLHT if MDI exceeds 1000 KW. For momentary spike, the Appellant can not be held guilty for exceeding sanctioned load as such spikes caused by voltage of power supply are attributable to the Licensee Company. In view of the above, it was stated that penalty imposed is highly excessive and disproportionate considering the past exemplary record of the Appellant when there is no deviation at all. After this major deviation, in future also the MDI was always below 100 KW. He has accordingly prayed for setting aside or modifying the order of the CGRF.

Apart from what is stated in the appeal as mentioned above, Shri Punj further stated that while testing equipment, the MDI momentarily went beyond 100 KW. The Appellant is not a habitual defaulter, never before or after 18.5.2005, the MDI has crossed 100 KW and for one such deviation, the change of tariff from NDLT to MLHT for a period of six months is far too harsh and needs to be reduced.

Shri Rajul Agarwal of the Respondent Company on the other hand stated that the MDI records a reading only after atleast half an hour and it can not be said that the high KW recording is on account of a momentary testing of equipment. The accuracy of the consumer's meter was tested on 7.1.2005, 16.7.2005 and 1.6.2006 by an independent agency and the meter was found working within permissible limits. As per the Appellant's request the Licensee Company installed a Pilot Meter on 27.7.2005 for testing the MDI of the Main Meter. The comparison of MDI recorded by Main and Pilot Meters in the case

76

of maximum demand is being recorded correctly by the Main Meter. Therefore, the provisions of DERC tariff for 2004-05 is applicable to this case. Clause No. 8.1.1.1 indicates that "In case maximum demand as indicated by MDI of NDLT/SIP connection is found to be more than 100 KW, bulk tariff (MLHT/LIP under relevant category on LT (400 V) shall be charged for six months after the load is brought within the SIP/NDLT limit".

Regarding the "1000 KW: as stated by the appellant, it was stated by Shri Rajul Agarwal that the figure "1000 KW" is an error, in the website but the DERC order shows it as "100 KW". He also stated that in any case this error relates to Tariff Schedule for 2005-06 which became applicable from 15<sup>th</sup> July 2005. The appellant's case relates to excess demand recorded on 18.05.2005 to which the Tariff Schedule (of previous year) for 2004-05 is applicable. In this Tariff Schedule the change of Tariff from NDLT to MLHT is required in case of MDI recording more than 100KW.

**In view of the facts as stated above and the Tariff Clause 8.1.1.1 as reproduced above it is held that the change of category from LIP to SIP has been correctly done as per the tariff provisions.** *SIP & LIP*

However, Billing details show that the calculation of the amount demanded from the appellant is not in accordance with the tariff provisions. The demand charge rate of MLHT is applicable on higher of sanctioned load in KVA or actual MDI in KVA, based on average power factor of each month. Shri Rajul Agarwal, Addl. Manager, was directed to submit the revised calculations by 12.09.2006.

Revised calculations were submitted on 20/09/2006 showing that the demand charges have now been worked on the above basis. **As per revised calculation the appellants get a relief of Rs.39100/- which may be credited to his account and adjusted in the next bill.**

**The CGRF order is set aside.**

*Asha Mehra*  
(Asha Mehra)  
Ombudsman