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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/2006/83**

Appeal against Order dated 20.04.2006 passed by CGRF – NDPL on Complaint No. : CG.No. 0693/03/06/SKN (K.No. 35400130965)

**In the matter of:**

Shri Inderjit Singh Ahuja - Appellant

**Versus**

M/s NDPL - Respondent

**Present:-**

**Appellant** Shri Inderjit Singh Ahuja

**Respondent** Shri Suraj Das Guru, Legal Representative  
Shri Sunil Singh, District Manager on behalf of NDPL.

Date of Hearing : 28.07.2006

Date of Order : 07.08.2006

**ORDER NO. OMBUDSMAN/2006/83**

The Appellant has electricity connection No. 35400130965 at his residence 66A/3, Pal Mohan Bhawan, New Rohtak Road, Karol Bagh, New Delhi-110005. The Appellant filed a complaint before CGRF-NDPL seeking relief in LPSC and revision of high consumption disputed bill of 2641 units for November, 2005. He stated that since the installation of meter there has been never so high consumption as was in November, 2005 bill. Meter was found to be showing high consumption when it was tested by NDPL team. The Appellant has prayed that old electro mechanical meter which was changed without his consent is replaced as this is the cause of disputed bill. He has also requested for revision of the disputed bill on the basis of six months' average.

NDPL informed CGRF that the meter against the said connection was replaced on 24.1.2005 and on receipt of complaint from consumer, accuracy of

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the meter was checked on 11.1.2006 when the same was found +.81% and again checked on 12.1.2006 and found to be +1.59%. The accuracy is within the prescribed limits. NDPL also stated that the electricity bills are being raised on actual reading basis and consumption recorded by the electronic meter was almost uniform and was not objected to by the consumer till November, 2005.

Consumer stated that details shown in the usage history since 5.5.2002 onwards reveals that never before the consumption of 2641 units have been recorded.

The CGRF ordered that the outstanding dues of Rs. 24,745.00 as shown in the statement of accounts as on 1.3.2006 includes LPSC amount of Rs. 9534.00. The consumer should make payment of Rs. 15,211.00 (Rs. 24,745.00 – Rs. 9,534.00) by the specified due date failing which LPSC shall become payable.

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Against the above order of the CGRF, the Appellant filed an appeal before the Electricity Ombudsman raising the dispute about the bill of November, 2005 which has recorded consumption of 2641 units stating that his consumption has never been so high since 2002. He has requested for revised bill on six months average basis for the disputed period/amount.

He has further stated that even though the meter was tested on 11.1.2006 and 12.1.2006 and was found within the prescribed limit of accuracy, he has no faith in the testing conducted by NDPL team because they are one of the parties in the dispute.

He has prayed for replacement of the old electro mechanical meter which was replaced without his consent and which is the cause of the disputed bill. After scrutiny of the appellant's records received from the CGRF and submissions made by the DISCOM and the Appellant, the case was fixed for hearing on 28.7.2006.

Shri Inderjit Singh Ahuja appellant attended in person. Shri Suraj Das Guru, Legal Representative of the DISCOM attended alongwith Shri Sunil Singh, its District Manager.

The case was discussed. Appellant was informed that the consent of the consumer for changing the meter is not necessary following the judgment of the Delhi High Court in the case of "Suresh Jindal Vs. BSES Rajdhani Power Ltd. wherein it was held that Respondent has the power to replace the existing meter even though not determined as "faulty" with a view to improving the quality of equipment and making the same more dependable and tamper proof. The appellant was further informed that the Accelerated Power Development Reform Programme APDRP requires (for better monitoring and management of electricity) shifting to a computerized regime. Electronic meters have a memory

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system. They can be read directly through instruments, data downloaded and fed directly into a computer. It rules out human errors. The Delhi High Court in the case of "Jindal Vs.BSES Rajdhani Power Ltd" referred to an observation of the Karnataka High Court reported as AIR 1988 Karnataka 369, Peenya Industries Association Vs. Karnataka State Electricity Board wherein it was held that "Obligation to provide and maintain a correct meter carry with it, a Right to change the metering equipment also, not only in situation where the earlier installed meter is found to be working unsatisfactorily but also where the Board considers necessary to so do with a view to improving the quality of equipment and making the same more dependable and tamper proof".

Perusal of the consumption pattern of the Appellant reveals that the consumption during the period of summer months May to November has always been much higher than the remaining months of the year.

The consumption for the six months period from May to November for the years 2002, 2003, 2004 and 2005 is as under:

<u>Period</u>	<u>Consumption</u>
2.11.02 to 5.5.02	30,000 – 25210 = 4790 units
4.11.03 to 1.5.03	34,710 – 31,480 = 3230 units
5.11.04 to 17.5.04	39,799 – 35,761 = 4038 units
7.11.05 to 3.5.05	5,049 – 779 = 4270 units

The above indicates that the consumption for the said six months has generally been in the range of +4000 units. The disputed consumption of 2614 units is for the period 1.9.2005 to 7.11.05.

The contention of the consumer is that the consumption of 2641 units recorded in November, 2005 bill has never been so high in the past. However it is seen that the consumption in September, 2005 bill was only 263 units whereas same for the month of September, 2004 was 1195 units, September 2003 was 1180 units and September, 2002 was 1780 units.

It therefore appears that the reading recorded on 1.9.2005 is less recorded which has caused more consumption recording in the next bill of November, 2005. If we take six months' average from May to November as stated above, there does not appear to be any inflated consumption.

Also it cannot be said that that electronic meter has recorded high consumption only on 7.11.2005 and has been recording normal consumption prior to 7.11.2005 and after that till date. Had electronic meter become defective

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it would have recorded high consumption even after 7.11.2005. Therefore there is no reason to disagree with the decision of CGRF on this point.

However, it appears that the slab rate needs to be amended as the reading for the immediately proceeding month i.e. September 2005 was only 263 as compared to 1195 in, September 2004, 1180 units in September, 2003 and 1780 in September 2002.

**The revised calculation for four months i.e. 4.7.2005 to 7.11.2005 was submitted by the DISCOM on 4.8.2006 as directed. Taking all dues and payments upto the reading of 28.6.2006 it works out to Rs.13,606/-. This amount of Rs.13,606/- includes current bill of Rs.5055/- leaving a balance of Rs. 8551/- towards arrears. The Appellant has asked for installments to pay this amount. **The arrears amount may be paid by the appellant in two equal installments** alongwith the current bills. No LPSC has been charged as directed.**

**The order of the CGRF is modified to the extent mentioned above.**

अशा मेहरा  
(Asha Mehra)  
Ombudsman