

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/2006/87

Appeal against Order dated 01.05.2006 passed by CGRF – NDPL on CG.No. 0696/03/06/MDT (K.No. 31300137563)

In the matter of:

Shri H.K. Agarwal on behalf of his son - Appellant
Shri Ashish Agarwal

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Shri H.K. Agarwal on behalf of his son
Shri Ashish Agarwal

Appellant

Respondent Shri Ashwani Kumar, Senior Manager, District Model Town
Shri Gagan Sharma, Assistant (Billing)
Shri Suraj Das Guru, Executive (Legal) all on behalf of NDPL

Date of Hearing: 18.08.2006, 29.08.2006

Date of Order : 28.09.2006

ORDER NO. OMBUDSMAN/2006/87

The Appellant is Shri HK Agarwal on behalf of his son Shri Ashish Agarwal in regard to K. No. 31300137563 installed at his premises C1/3D-2, Model Town-III, Delhi-110 009.

The Appellant has filed this appeal dated 17.5.2006 against CGRF-NDPL orders dated 1.5.2006 stating that he is not satisfied with the CGRF orders. Perusal of CGRF orders/record, contents of appeal and submissions made by both the parties, response to the queries raised, reveals the following:

- 1) The bill for the month of August, 2005 was stopped by NDPL as same was under review by 'Quality Control Group' and Appellant was asked to make 'on account payment' equivalent to last bill. For any short payment as per actual reading, no LPSC was to be charged in the next bill.

NDPL stated that, in his appeal before the Ombudsman the Appellant has also disputed the bill dated 22.11.2005 containing readings from 17.8.2005 to 18.10.2005, whereas in his complaint dated 14.3.2006 before CGRF, the Appellant has disputed the wrongly billed arrears of Rs. 12,294.02 due to jumping of the meter or same tampered by NDPL Readers/Repairmen and has requested CGRF to withdraw unwarranted arrears of Rs. 12,294.02. As such, dispute raised before CGRF for incorrect reading recorded between 18.6.2005 to 17.8.2005 would only be taken up in the appeal and new issue/dispute of readings would not be taken up.

During the course of hearing the Appellant was asked to confirm with evidence whether occupants of the house were in India during disputed period and evidence in this regard to be produced. He was also asked whether gadgets as recorded in 19.7.2006 inspection load report existed during the period under dispute. NDPL officials were asked to examine if the consumption of 2904 units is possible with the connected load recorded on 19.7.2006 and to provide justification for accumulated readings if it is held so, why accumulated readings were not reflected in earlier three billing cycles prior to 17.8.2005. Both the parties were asked to submit reply by 29.8.2005.

In his written reply dated 19.8.2006, the Appellant confirmed that registered consumer of K. No. 31300137563 is his son Shri Ashish Agarwal, his wife and son were abroad on an assignment during 30.6.2004 to 19.12.2004. He had left for USA and returned on 30.1.2005. His son was on foreign assignment since 2001 and visits India during leave. His original travel documents are with him. The connected load as referred in 19.7.2006 report remained unchanged except some portable equipment.

During hearing on 29.08.06 the respondent referred to his written submission dated 28.8.2006 stating that there are four connections (i) Shri Ashish Agarwal K. No. 31300137563 (ii) Smt. Madhu Aggarwal K. No. 31300134275, (iii) Shri H.K. Aggarwal K. No. 31300457730 and (iv) Shri H.K. Aggarwal K. No. 31300457745 in the same building and it has been noticed that

- a) the overall use of supply from April 2005 onwards has gone steeply from the period April 2003 to February 2005 and April 2005 to February 2006.
- b) That the consumption of all the above connections is also erratic and it has also been observed that if in any one month the consumption is higher on one meter, the consumption is lower on the other meter and vice-versa.
- c) The sanctioned load of each of the connections is 1 KW except one where the sanctioned load is 2 KW.

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during February 2005, April 2005 and June 2005 readings cycles. The possibility of accumulated reading being reflected in 4th billing cycle after a period of six months is not understandable and is ruled out.

B) Connected load basis

Total connected load as recorded on 30.8.2006 was 3.158 KW with 2 KW geyser load. After deleting geyser load, the total summer load of DL use comes to 1.158 KW and with this load it is practically not possible to consume 2904 units in two months (as possibility of AC use has also not been reported in the inspection report).

C) Transfer of load from one connection to another

Consumption pattern reveals that overall use of supply of all the four connections from April 2005 onwards has increased as compared to the previous period. Also the consumption record of all the four connections is not fairly uniform and erratic. Sometimes it is very low and sometimes it is on higher side. DISCOM has stated in its submission dated 28.8.2006 that if in any one month the consumption is higher on one meter, the consumption is lower with other meter vice versa. In the eventuality of transferring of load from one connection to another, the overall sum consumption of all the four connections will not get much affected. The total consumption of all the four connections from April 2005 onwards billing cycle is reported as under:

COMPARATIVE STATEMENT OF CONSUMPTION					
	K. No. 31300137563	K. No. 313001457730	K. No. 31300457745	K. No. 3130034275	Total
Month	Consumption	Consumption	Consumption	Consumption	
4/05	422	346	312	233	1313
6/05	185	979	632	279	2075
8/05	2904	328	1139	266	4637
10/05	1287	554	551	41	2433
12/05	386	509	139	139	1173
2/06	254	526	190	299	1269
4/06	156	573	157	430	1316
6/06	157	1303	139	1128	2727
7/06	14	831	207	562	1614
9/06	16	938	285	409	1648

The above consumption pattern does not conclusively prove the transfer of load from one connection to another during disputed period, as consumption of 4637 units of 4 meters is on a much higher side.

(11)

Now if we consider the average of last three years it is noted that the Appellant has been outside the country during the corresponding period in 2004 because the consumption from 30.6.2004 to 18.8.2004 is zero. This is per Shri Agarwal own submission when the consumption is (0), the Appellant is out of country and the premises are locked and electricity is not in use. **Therefore, the average of February, 2004 can not be considered as it is not comparable.**

In 2002 also, the consumption is zero from June 2002 to December 2002 and therefore can not be compared.

Now we may consider the average consumption in 2003. It is seen that the consumption from February 2003 to April 2003 is zero and the consumption from April 2003 to June 2003 and June 2003 to August 2003 is 970 and 670 units respectively.

The consumption for the next 2 billing cycle i.e. 4 months is from August 2003 to December 2003 is zero and therefore can not be compared. Further it is observed that the consumption in 2003 is for the summer period i.e. April 2003 to August 2003 which is absolutely comparable to the period under dispute. The reading in these two cycles is 970 and 670 as mentioned above. The average of these 4 months (April 2003 to August 2003) is $970 + 670 = 1640 \div 4 = 410$ units. Thus the average consumption is 410 units in 2003.

Therefore it is directed that instead of being billed for 2904 units, the Appellant may be billed for 820 units for the 2 month period between 18.6.2005 to 17.8.2005.

The appellant gets a relief of 2084 units. The Licensee Company is directed to replace the electro-mechanical meter of the appellant with an electronic meter immediately.

The order of CGRF is set aside.

अशा मेहरा
(Asha Mehra)
Ombudsman