

## 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-cum-Fax No.: 011-26141205)

### Appeal No. 20/2018

#### IN THE MATTER OF:

Shri Narinder Gupta - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 11.05.2018 passed by CGRF- TPDDL in CG No.  
7834/12/17/MTN)

#### Present:

Appellant: Shri Narinder Gupta

Respondent: Shri Harshendu Kumar, Senior Manager (Legal) and Shri  
Shailendra Pandey, on behalf of TPDDL

Date of Hearing: 25.07.2018

Date of Order: 27.07.2018

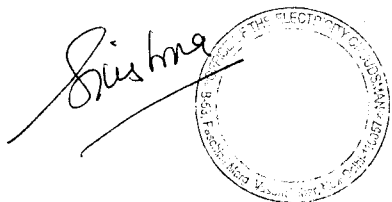
### ORDER

1. This appeal has been filed by Shri Narinder Gupta, C-21, Inderpuri, New Delhi-110012, against the verdict of the Consumer Grievance Redressal Forum-Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) cited above.

2. The appeal revolves around repeated, unsuccessful attempts by the Discom (Respondent) to replace the Appellant's old model electro-mechanical meter with a static or "smart" digital meter as a matter of policy, which the latter had resisted, eventually resulting in his electricity supply being disconnected. The Appellant had challenged the Discom's actions as illegal and beyond their authority before the CGRF which, however, did not find any merit in his complaint, hence this appeal.

3. The Appellant's version of events, inter alia, is that he had never refused to cooperate with the Discom for the change of his meter, that his electricity supply had been disconnected arbitrarily without serving a proper notice on him and that it is a consumer's prerogative to purchase a meter of his choice and have it installed after due inspection by the Discom. He has also alleged that his connection had been snapped on the same day as the issue of the notice which also had been sent later to the wrong address and, furthermore, his supply be restored without charges for reconnection etc. as well as imposition of a penalty on the Discom for their alleged wrongful act.

4. The Discom's response is that the consumer has had a non-domestic, 1 KW connection since April, 2000 with an old model electro-mechanical meter. In pursuance of a policy of replacement of all old meters with static, digital meters, the Discom had taken action to change his meter as well. The consumer, however, resisted the Discom's attempts to replace his meter on as many as a dozen occasions between 2013 and 2016 with either direct refusals or his premises being locked. Eventually, after serving a formal notice on 16.06.2017 under Section 163 of the Electricity Act, 2003, his electricity supply was disconnected on 22.06.2017. In response to the Appellant's allegation that wrong bills had been generated with no readings mentioned on them and that refund was due to him, the Discom has stated that the last "OK" bill was invoiced on 21.06.2017



at a meter reading of 3714 with a consumption of 36 units with the two provisional bills raised subsequently being cancelled.

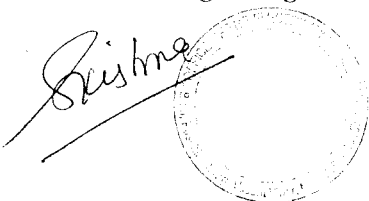
5. I have heard both the parties and considered all the material on record. As far as the legal position is concerned, it is a matter of common knowledge and record that there is a continuing process of technology upgradation and modernization of infrastructure by the Discoms operating in NCR Delhi as part of a conscious policy of Government. As long as fifteen years ago, the DERC had, in an order dated 26.06.2003 in Petition No. 10/2002 concerning tariffs etc, noted the need to replace old electromechanical meters with electronic meters as the former were susceptible to mechanical wear and tear as well as tampering etc. and that the Discoms had submitted a replacement programme. This order of the Commission was taken note of by the Hon'ble Supreme Court in Appeal (civil) 4789 of 11.10.2007 (Suresh Jindal vs BSES Rajdhani Power Ltd & Others) which upheld the right of a Discom (Licensee) to replace an existing meter by a particular type of static (digital) meter.

6. These verdicts apart, Clause 4 (1) of the Central Electricity Act, 2006 dated 17.03.2006 expressly provides "*all interface meters, consumer meters and energy accounting and audit meters shall be of static type*" with sub-clause (2) further specifying that "*meters not complying with these regulations shall be replaced by the licensee on his own or on the request of the consumer. The meters may also be replaced as per the regulations or directions of the Appropriate Commission or pursuant to the reforms programme of the Appropriate Government.*" (underlining for emphasis). Furthermore, sub-clauses (22) and (41) of Regulation 2 of the DERC's Supply Code & Performance Standards Regulations, 2017 define the technical specifications of such meters as those conforming to the CEA's (Installation and Operation of Meters) Regulations of 2006 – characteristics not inherent in older electro-mechanical meters.

7. The purpose of this extended exposition is merely to establish that electro-mechanical meters necessarily have to be replaced with static digital meters as a matter of policy. The meter replacement programme, which has already covered most of the consumers, is an integral component of a Government-approved technology upgradation and modernization effort by the Discoms and consumers cannot oppose it to suit their convenience. The Appellant claimed during the hearing that he had not been informed of the provisions of law under which his meter was to be replaced. It is relevant to note here that it is an established principle that ignorance of law is no defence. Given the fact that the Appellant was very vocal and erudite in advancing his arguments during the hearing, it is surprising that he had not looked into the legal position himself.

8. Although the Appellant denied during the hearing that he has resisted the replacement of his old meter, the sequence of events involving as many as a dozen unsuccessful attempts between March, 2013 and September, 2016 by the Discom to do so on account of either his refusal or his premises being locked – all of which have been properly logged and are on record – speaks otherwise. The entire focus of the Appellant's arguments have revolved around allegations that the addresses shown against his connection and that on the notices served by the Discom have discrepancies which they have refused to take cognizance of, that he had not been given the option of arranging for his own meter if he so wished, that the Discom has given wrong dates of disconnections before the CGRF and that he has been subjected to harassment by them.

9. The Discom has confirmed that they have followed proper procedures by serving a notice u/s 163 of the Electricity Act, 2003 dated 16.06.2017, pasting a copy of it on the wall of his premises where the meter in question is installed with the address being the same as that shown on the connection. They have denied that the Appellant had ever brought to their notice his contention that the address was incorrect. Furthermore, the Discom has pointed out that he had written an e-mail to them questioning why his meter was being changed while, at the same time, he is claiming now that he has no

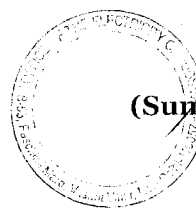


objection to it after first having agitated the matter before the CGRF and then opted to file this appeal. According to them, they had to resort to disconnecting his connection as they were left with no other option to stop electricity consumption through a non-compliant meter.

10. The central issue for determination in this case reduces to one of establishing whether the Discom has acted within the framework of law in its actions to replace the old electromechanical meter with a digital, static meter. The answer to this is in the affirmative. Clause 4 (1) of the CEA Act of 2006, referenced in paragraph 6 supra, expressly empowers Discoms to take action on their own for replacement if circumstances warrant. The Discom has acted within the ambit of its powers towards the furtherance of a programme of modernization enjoined on it by Government policy and its actions cannot be construed as vindictive, malafide or in any manner targeted at the Appellant's interests as imputed by the latter. The arguments advanced by the Appellant, noted in paragraphs 7 and 8 supra, are irrelevant and immaterial to the central issue at hand. The present impasse has been precipitated by the Appellant's own actions and no other conclusion is possible other than that he is adopting a deliberately obstructive attitude in the matter of replacement of the meter without a substantive basis for reasons best known to him.

11. Given the above background, no case is made out for interference with the verdict of the CGRF. The Discom is free to proceed with its actions to replace the Appellant's meter and reconnect the electricity connection in accordance with the provisions of law.

The appeal hereby stands dismissed as being devoid of merit.



*Sundaram Krishna*  
**(Sundaram Krishna)**  
**Ombudsman**  
**27.07.2018**