

**OFFICE OF ELECTRICITY OMBUDSMAN**

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

(Phone No.: 011-26144979, E.mail: elect\_ombudsman@yahoo.com)

**Appeal No. 05/2024**

(Against the CGRF-BRPL's Order dated 18.01.2024 in CG No. 95/2023)

**IN THE MATTER OF**

**Shri Dinesh Pal**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

Appellant: Shri Dinesh Pal along with Smt. Nidhi Singhal

Respondent: Shri Ranjan Choudhary, DGM, Shri S Bhattacharjee, Sr. Mgr. and Shri Shreyek Gupta, Advocate, on behalf of BRPL

Date of Hearing: 27.03.2024

Date of Order: 28.03.2024

**ORDER**

1. Appeal No. 05/2024 has been filed by Shri Dinesh Pal, owner of the shop, M/s Singla Brothers, situated at C-5, Sanatan Dharam Mandir, Saat Manjila, Tilak Nagar, New Delhi – 110018, against the CGRF-BRPL's order dated 18.01.2024 in CG No. 95/2023.

2. The instant case is that the Appellant has a 3 KW non-domestic electricity connection bearing CA No. 100158024 at the above-cited premises. In August, 2023, the Appellant received an exorbitant bill of Rs.12,340/-, which he contested vide an undated letter to the Discom stating that he had never received such a huge bill in last ten years. His monthly bill for consumption of energy generally comes to Rs. 3-4 thousand per month. The Appellant also submitted that neither he had been informed nor served any notice in this regard. In reply vide letter dated



18.09.2023, the Discom informed the Appellant that as per maximum demand recorded for the billing cycle of four consecutive months in the previous year, the load has been enhanced from 3 KVA to 4 KVA, as per DERC's Regulations. Based on the load revision, an additional security deposit of Rs.4,500/- has been shown in the bill for the month of August, 2023. After that, the Appellant filed a complaint before the CGRF against the enhancement of the load. The meter when tested on 05.09.2023 was within the permissible limit, i.e. +1.27%. The details of maximum demand in the four consecutive calendar months in the previous financial year are as under:

	<u>Billing Period</u>	<u>Maximum Demand</u>
(a)	24.07.2022 to 22.08.2022	3.68 Kw
(b)	23.08.2022 to 20.09.2022	3.58 Kw
(c)	21.09.2022 to 20.10.2022	4.54 Kw
(d)	21.10.2022 to 21.11.2022	4.58 Kw

The Appellant's prayer before the Forum was refund of the additional amount deposited by him by adjusting in the subsequent electricity bills. The Appellant also requested strict action against the officials of the Discom for testing of meter on their own.

3. The CGRF in its order dated 18.01.2024 observed that though the complainant and the Respondent have often mentioned unit of sanction load and MDI as kW, whereas, in the bills against CA No. 100158024 have been mentioned as kVA. In this regard, the Forum detailed the "Tariff Order" for the financial year 2019-20 and 2021-22 in its order and inferred that since in this case unit power factor is to be taken into consideration, both figures for sanctioned load or MDI whether mentioned in kW or kVA would remaining the same. The Forum also referred Rule 17(4) and 17(4)(i) of the DERC's Supply Code, 2017 – which empowers the Discom to suo-moto review of sanctioned load/contract demand. Further, the Forum observed that the Respondent duly issued notice vide No. BRPL/2022-23/MDI/LE-SD/CA No. 100158024 dated 23.05.2023, which reflects downloaded MDI reading for the financial year 2022-23. The Forum verified the downloaded MDI data for the month of August, 2022 to December, 2022 and noted that the sanctioned load on all these electricity bills appears as 4 kVA. On the other hand, MDI (kVA) figures appear after rounding off the downloaded MDI data to the lower integer and found to be correct and in accordance with the Rules.



4. The Forum in its order observed that the Respondent correctly mentioned the sanctioned load as 4 kVA in the electricity bill raised against the CA No. 100158024 from August, 2023 onwards, since "Tariff" slab rate was getting changed for non-domestic tariff category and claim of the Respondent for additional security deposit of Rs.4,500/- was, therefore, in order. The consumer's overall billed amount had been correctly computed by the Respondent. The Forum, also opined that in compliance with Regulation 17(4)(iv) of DERC (Supply Code and Performance Standards), Regulations, 2017, the Respondent had served a notice to the consumer within the set timeline. Therefore, the enhancement of the sanctioned load from 3 kVA to 4 kVA, against the said connection was in order, the complainant has to pay the amount raised by the Respondent through electricity bill. As such, the Forum did not find any substance in the prayer and disposed of the complaint.

5. Aggrieved from the CGRF's order dated 18.01.2024, the Appellant filed this appeal restating its submissions as before the Forum and prayed for (a) to refund the additional amount already paid on account of load enhancement and, (b) to reduce the load to 3 kW.

6. The Discom, in its written submissions reiterated the same as before the CGRF. The Discom further stated that the Appellant has made frivolous, vexatious and malafide submissions in his appeal.

7. The appeal was admitted and taken up for the hearing on 27.03.2024. During the hearing, the Appellant was present, in person. The Respondent was represented by its authorized representatives/counsel. An opportunity was given to both the parties to plead their case at length.


8. During the hearing, the Appellant reiterated both his submissions and prayer as filed before the Forum and this court. However, the Respondent submitted that the load was enhanced as per extant regulations applicable for non-domestic category. Also, the Appellant was explained the basis for load enhancement, in detail.

9. This Court heard both the parties, perused their respective appeal and written statements. It is apparent from the record that the enhancement of the load from 3kVA to 4 kVA is based on the consumption pattern reflected in four consecutive months from July-August, 2022 till October-November, 2022, during the previous year. In compliance with Regulation 17(4), necessary notice dated 23.05.2023 was also issued before the increase. The action taken by the Discom is, therefore, in order. However, in the light of the representation submitted by the Appellant, the same would need consideration by the Discom, as per Regulation 17(4)(vii) of



DERC's Supply Code, 2017, for upward increase/reduction, dependent upon the load during the year 2023-24, after six months from the aforesaid revision, coming into force. Any benefit of reduction, as a result of review carried out shall accrue to the Appellant. Action taken shall be reported within six weeks.

The case is disposed of accordingly and the decision of CGRF is upheld.

  
(P.K Bhardwaj)  
Electricity Ombudsman  
28.03.2024