

**OFFICE OF THE 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**  
(Telephone No.011-26144979)

**Appeal No. 13/2019**

(Against the CGRF-TPDDL's order dated 26.03.2019 in C.G. No.7980/10/18/SMB)

**IN THE MATTER OF**

**SHRI RISHI PRAKASH BANSAL**

**Vs.**

**TATA POWER DELHI DISTRIBUTION LTD.**

**Present:**

Appellant: Shri Rishi Prakash Bansal along with Shri Vinod Kumar,  
Advocate

Respondent: Shri Gautam Jayprakash, Sr. Manager and Shri Kundan  
Singh, Asst. Manager, on behalf, of TPDDL.

Dates of Hearing: 03.07.2019 & 18.07.2019

Date of Order: 23.07.2019

**ORDER**

1 The Appeal No.13/2019 has been filed by Shri Rishi Prakash Bansal through his advocate Shri Vinod Kumar in respect of his non-domestic electricity connection bearing CA No: 60002868341 installed at House no. 48, Block-A, Wazirpur Industrial Area, Delhi - 110052 against the CGRF-TPDDL's order dated 26.03.2019 passed in C.G. No. 7980/10/18/SMB. The issue concerned in the Appellant's grievance is regarding the non reduction of sanctioned load of his non-domestic connection by the Discom (Respondent).

2. The background of the appeal arises from the fact that the Appellant had applied for reduction of sanctioned load from 15 KW to 8 KW on 17.07.2015 but the Discom did not process the same at that point of time, however, later on when the Appellant again applied for the load reduction from 15 KW to 8 KW on 26.04.2017, the Discom processed the case and reduced his load to 8 KW on 29.05.2017. Further, the load was again reduced by Discom from 8 KW to 5 KW on 08.08.2018 as per the request of the Appellant. The Appellant in addition to non reduction of load from 15 KW to 8 KW in July, 2015 has also disputed that the Discom has been raising its consumption bills on the basis of KVAH readings instead of KWH readings and therefore has requested for refund of excess amount paid by him since the year 2015 onwards on account of higher sanctioned load and thereby difference of energy charges on account of KWH vs KVAH readings.



The Appellant filed an appeal in the CGRF-TPDDL for redressal of his above stated grievances and since his plea was rejected by the Forum, he has preferred this appeal, on the grounds that the Forum has failed to take into the consideration the fact that Discom did not reduce his load from 15 KW to 8 KW in the year 2015 and hence continued to charge the energy charges on KVAH basis instead of KWH readings. The Appellant further pleaded that the Discom neither issued any 'demand-note' for SLD charges nor he was given any notice for cancellation of the said request of load reduction and further as per the DERC Regulations, Discom was supposed to reduce his sanctioned load based on the MDI readings of the previous year, which was also not carried out by the Discom. In view of the same his load should be deemed to have been reduced to 8 KW from 17.07.2015 onwards and his bills be revised accordingly in respect of fixed charges and energy charges, etc.

The Appellant further argued that his load was reduced on two occasions from 15 KW to 8 KW and then from 8 KW to 5 KW but on none of the occasion the Discom refunded and adjusted his security deposit. Similarly, the fixed charges have also neither been revised nor refunded or adjusted while reducing his load on both the occasions. The Appellant also argued that on none of the two occasions in 2017 & 2018 he was served with any notice or 'demand-note' and still his load was reduced to 8 KW and 5 KW and hence the argument of non-reduction of load by Discom in 2015 is not valid.

In view of the above, the Appellant has prayed that the impugned order of the CGRF may be set-aside and his appeal may be decided considering the facts & circumstances of the case, in the interest of justice.

3. The Discom in its reply has submitted that the said electricity connection bearing CA No. 60002868341 is registered in the name of Shri Rishi Prakash Bansal at House No. 48, Block - A, Wazirpur Industrial Area, Delhi, for an initial sanctioned load of 15 KW for non-domestic supply and the same was energized on 11.08.2005. As per the Discom, the Appellant applied for load reduction from 15 KW to 8 KW on 17.07.2015 but the same could not be processed as the Appellant had not paid the 'demand-note' issued for the SLD charges required for load reduction. However, his further requests for reduction of the sanctioned load submitted in the year 2017 & 2018 were processed and his load was accordingly reduced from 15 KW to 8 KW on 29.05.2017 and from 8 KW to 5 KW on 08.08.2018 respectively. While processing the case of load reduction from 15 KW to 8 KW on 29.05.2017, the Appellant refused to change the service cable and his polyphase meter and the same is still functioning at the site. With regards to the Appellant's contention for raising the consumption bills on KVAH instead of KWH basis, the Discom submitted that the same has been charged on KVAH basis as per the prevalent tariff orders issued by DERC as applicable from time to time and there is no irregularity in the same. However, in the present tariff order for 2018-19, the consumption for non-domestic connections is required to be raised on KVAH basis only instead of KWH readings. In view of above, the Discom submitted that the Appellants complaint regarding non-entertaining of his load reduction in the year 2015 is baseless and without any substance and so also the bills raised on KVAH basis have been correctly raised and the

same are in accordance with the regulations and extant tariff orders applicable from time to time, hence the complaint of the Appellant is not tenable.

Regarding the contention of the Appellant that meter was faulty, the Discom conveyed that the accuracy of the meter was checked in the presence of the consumer on the directions of the Forum and the meter was found within accuracy limits. The copy of the meter testing protocol duly signed by the Appellant was submitted by the Discom for reference and record. The Discom further argued that the Appellant did not bother to pursue the status of his case of load reduction in the year 2015 and he approached them only after a gap of about two years in 2017 and hence his case of load reduction in 2015 is time barred. Regarding the notice for SLD charges required to be sent to the Appellant, the Discom although submitted the copy of the notice generated at that time, yet could not produce any proof of having sent the notice to the Appellant. The Discom however conveyed that only an SMS was sent to the Appellant for depositing the SLD charges for which they are unable to supply any proof of having sent the same after a lapse of so many years.

In light of the submissions made herein above, the Discom submitted that the present appeal is liable to be dismissed and decided in favour of the Discom

4. After hearing both the parties and considering the material on record, the basic issue that emerges is that the Discom did not process the case of load reduction of the Appellant from 15 KW to 8 KW in July, 2015, when the Appellant had applied for the same, on the grounds that the Appellant did not pay SLD charges raised by them. On the other hand, the Appellant has submitted that he did not get any notice/demand-note for depositing SLD charges required for the reduction of the load otherwise he would have deposited the same. He also did not receive any notice, intimating him that his request of the load reduction has been cancelled on account of non deposition of SLD charges, from the Discom. The Discom however submitted a copy of the 'demand-note' generated at that time on 05.08.2015, but could not produce any proof for having served the notice/demand-note to the Appellant as stipulated under Section 68 of the DERC Supply Code Performance & Standards Regulations, 2007. The mere submission by the Discom that an SMS was sent to the Appellant in this regard does not serve any purpose and cannot be accepted. The contention of the Discom that it is not possible to produce the proof of having sent even the SMS after so many years and the case of the Appellant is time barred is not right since the Appellant has been continuously pursuing his case of load reduction since the year 2015 and then in 2017 & further in the year 2018. As per the Clause 21 of DERC Regulations, 2007, the Discom should have taken the action for reduction of load within the specified time as stipulated therein but the same was also not adhered to by them.

Secondly, in the year 2016, the Discom should have taken the action for revision of the sanctioned load of the Appellant as per the procedure laid down in the amendment issued vide Third Amendment dated 29.04.2016 of Delhi Electricity Supply Code and Performance Standards Regulations, 2016



by DERC regarding the reduction or enhancement of the sanctioned load based on the MDI readings of the previous year but no such action was taken by them. While perusing the account statement of the said connection of the Appellant as submitted by the Discom, it is quite evident that the MDI readings of the Appellant, in the year 2015 have been continuously recording on much lower side as compared to the sanctioned load and rather in most of the months it was much less than 8 KW, but still the Discom did not take any action on the same and finally the Appellant had to apply again in the year 2017 for reduction of his load from 15 KW to 8 KW.

The argument of the Appellant that the meter was fast and faulty is misconceived since the same was got tested by the Discom on the direction of the Forum and the meter was found to be OK and within the accuracy limits.

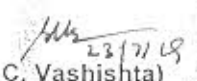
In view of above, it is pertinent to mention here that if the load of the Appellant would have been reduced from 15 KW to 8 KW in the year 2015 itself, when he had applied for the same on 17.07.2015, the energy charges which have been charged on the KVAH basis by Discom would have been charged as per the KWH readings as stipulated in the tariff order applicable at that point of time. As per the tariff order for the year 2014-15 & 2015-16 the energy charges for the loads up to 10 KW in case of NDLT connections are to be charged on KWH basis and above 10 KW up to 100 KW/140 KW on KVAH basis. So the argument of the Appellant that his bills were wrongly raised on KVAH basis holds good, if his load is considered to be 8 KW since July, 2015 and, therefore, needs to be corrected as per the tariff orders applicable from time to time. Similarly, the security and the fixed charges would have also been revised accordingly if the load would have been reduced in the year 2015 itself by Discom.

In the background of above exposition, it is finally held that the Discom has no plausible explanation to offer for not reducing the sanctioned load of the Appellant in the year 2015 and hence the verdict of the CGRF is set aside with the direction to the Discom to revise the load of the Appellant w.e.f. 17.07.2015 from 15 KW to 8 KW as requested by him and revise the energy bills for the period 17.07.2015 to 28.05.2017 based on the tariff orders applicable from time to time during that period. The security charges and fixed charges be also revised accordingly as per the extant regulations and tariff orders. Further, since the Discom as well as the Appellant could not clarify during the hearing that whether the bills raised after 29.05.2017 and 08.08.2018 when the sanctioned load was reduced to 8 KW and 5 KW respectively were raised on KVAH or KWH basis, as the case may be, so in order to make the things crystal clear, the energy bills issued after actual reduction of load from 15 KW to 8 KW on 29.05.2017 and from 8 KW to 5 KW on 08.08.2018 onwards, be re-checked, as to whether they have been rightly charged or not as per applicable tariff orders on KWH or KVAH basis as the case may be and revise the same if not found in order as per tariff orders.



In view of the above background, the account of the Appellant be overhauled accordingly from 17.07.2015 onwards in respect of energy charges, fixed charges, security adjustments and SLD charges, etc. wherever applicable as per regulations and the final revised bill be issued within 15 days from the receipt of this order with a compliance report being sent to this Court.

The appeal is hereby disposed off accordingly.

  
(S.C. Vashishta)  
Electricity Ombudsman  
23.07.2019