

71

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/2007/151

Appeal against Order dated 23.01.2007 passed by CGRF – BYPL on Complaint No.: 431/12/06 (K.No. 1211 0E050050).

In the matter of:

M/s Jai Mata Cable Industries - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant Shri Satish Kumar Tomar attended alongwith
Shri V. Shukla, Advocate

Respondent Shri S. Mangal, Commercial Officer
Shri S.L. Khullar, AFO (GTR) and
Shri Rajeev Ranjan, Senior Officer (Legal) on behalf of BYPL

Date of Hearing: 10.04.2004

Date of Order : 25.04.2007

ORDER NO. OMBUDSMAN/2007/151

Appeal dated 13.2.07 is filed against CGRF order dated 23.01.07. The appellant is a consumer running an industrial unit in the name of M/s Jai Mata Cable Industries of which Shri Satish Tomar is the proprietor. The said industry is functioning from 1/9791, Gali No. 1, West Gorakh Park, Shahdara, Delhi and bearing K. No. 1211 0E050050 IX.

In the appeal the appellant stated that he noticed that the meter was running fast and therefore he filed a complaint vide letter dated 11.11.05 requesting the DISCOM to have its meter tested. Meter testing fee of Rs.100/- was deposited on 19.11.05. On 12.12.06 the meter was checked/tested and found faulty and running fast. The said meter was replaced on 14.12.05 but his bills were not revised. He therefore requested that his bills may be revised. After another reminder dated

70

6.12.06 sent by speed post to the CEO BYPL, but which remained unattended the appellant filed a complaint before the CGRF stating that the bill of November 2006 for Rs.2,82,170/- received by him was arbitrary and illegal. In response to the said bill he paid Rs.1,20,000/- and the balance remained unpaid.

The CGRF after hearing both the parties passed order dated 23.1.07 in which no relief was given to the appellant for the high reading from 10.11.05 to 8.12.05. It is against this order of the CGRF that the appellant has filed this appeal before the Ombudsman.

After scrutiny of the appeal, the CGRF records and the replies submitted by the Discom in response to the queries raised, the case was fixed for hearing on 10.4.07

On 10.04.07, Shri Satish Tomar the appellant attended along with Shri V. Shukla, his advocate.

Shri S. Mangal, Commercial Officer, Shri S. L. Khullar, AFO and Shri Rajiv Ranjan, Senior Officer (Legal) attended on behalf of the Discom

The appellant's advocate Shri V. Shukla stated that consequent to the appellant's complaint on 11.11.05 of fast running of meter and deposit of the meter testing fee, the meter was tested on 12.12.05. He drew the attention to the meter testing report wherein it is recorded that:

- (i) Line current shown by meter is 25.1 amps R-phase while by accua check it is 8.3 amps on R-phase.
- (ii) Reading of 1KWH consumed in only five minutes duration at 3.91 KW load.
- (iii) Meter declared faulty.
- (iv) Reading recorded R-66120.

The faulty meter was replaced on 14.12.2005. The meter change report indicates reading of old meter R-67091 and Phase terminal heat up burnt.

He submitted that the order of the CGRF is wholly perverse and pointed out various infirmities in the CGRF order.

He also referred to the replies of the Discom and pointed out the contradictions in it as against the meter test report dated 12.12.05.

While the Discom has stated in its reply that "no reading was visible because the meter was burnt," in fact the meter testing report shows the reading of 66120 on 12.12.05 when the meter was tested. When the meter was replaced the meter installation report also shows reading of old meter at 67091 units. **Thus, it is clear**

that reading was visible and recorded both at the time of meter testing and also at the time of replacement of the meter.”

Meter test report dated 12.12.2005 was analysed. It indicated that consumer meter was showing line current on R-phase as 25.1 amps on 3.91 KW load whereas accua check meter used for testing the meter, was showing 8.31 amps on the same load. **This clearly indicates consumer meter was showing line current three times more than the accua check meter.** Further, it is also mentioned in the meter test report that meter has recorded a consumption of 1 unit (KWH) in only five minutes duration at 3.91 KW load. Even at 4 KW load it will take fifteen minutes to record a consumption of 1 unit, whereas consumer meter has recorded a consumption of 1 unit in 1/3rd duration i.e. in five minutes only, which clearly indicated the consumer's meter was running three times faster than accua check meter. It is also recorded in the meter test report that meter was declared faulty.

As against the above meter test report, the BYPL in its reply stated that it is not a case of faulty and fast running meter but a case of “burnt” meter which got burnt due to excess connected load of 70.9 KW as per MDI recorded on 10.11.2005 against the sanctioned load of 33.26 KW. The above submission of BYPL appears to be inconsistent with the meter test report.

The faulty meter was replaced on 14.12.2005. In the meter change report, it is recorded that:

- (i) Phase terminal heat up burnt.
- (ii) Reading of old meter R-67091.
- (iii) Both old and new meters are LTCT meters of 20-100 amps reading.

The submission of the Discom that the meter got burnt because of excess load does not appear to be correct as old meter started recording excess consumption showing excess line current. Therefore, it must have also recorded high MDI i.e. 70.9 KW. Even if, a load of 70 KW is put on this meter of 20-100 amps rating this much load cannot cause burning of the meter. The heat up and burning of phase terminal may be due to loose connection on the meter terminals.

Further perusal of consumption chart recorded in CGRF order shows that:

- (i) The consumption for a period of 14 months (from 07.08.2004 to 07.10.2005) i.e. prior to the disputed readings/consumption, was 38912 units. This shows average consumption of **2780 units per month**.
- (ii) The consumption recorded for the disputed period from 07.10.2005 to 10.11.2005 (about one month) was **7239 units** and from 10.11.2005 to 08.12.2005 (nearly one month), it was **17192 units**.

68

- (iii) After replacement of meter on 14.12.2005 the consumption recorded in the next 12 months up to 16.12.2006 is 24128 units which works out to a **monthly average of 2011 units.**
- (iv) **From the above it appears the meter started recording abnormal readings after 07.10.2005 till it was replaced on 14.12.2005. This is therefore the defective period.**
- (v) The meter was not recording correct readings is also evident from the following records of reading taken on various dates.

Date	Reading	Consumption
08.12.2005	63162	
12.12.2005	66120	2958 units in 4 days
14.12.2005	67091	971 units in 2 days

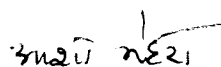
The above consumption recorded for duration of four days and two days seems to be highly incorrect.

In view of the above, it is evident that the meter is established as faulty, (not recording correct consumption) after 07.10.2005 till it was replaced on 14.12.2005. For this defective period, assessment may be made on the basis of average consumption of six months prior to 07.10.05 and six months after 04.12.05.

The Discom is directed to revise the bill on the basis of the above. No LPSC is to be charged on the revised bills. However, if any there are arrears on account of non-payment by the appellant for the period prior to 7.10.05 (when the meter became faulty) LPSC may be levied, as that was the undisputed period. The officers of Discom were directed to submit the calculations by 16.04.07. The calculations submitted on that date show that Rs.90,292.93p is payable by the appellant up to March 2007.

The appellant is directed to make the payment of the above on receipt of the Revised Bill.

The order of the CGRF is set aside.


(Asha Mehra)
Ombudsman