

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. 18/2019

(Against the CGRF-BYPL's order dated 29.04.2019 in C.G. No. 13/04/2019)

IN THE MATTER OF

SHRI PRADEEP KUMAR

Vs.

BSES - YAMUNA POWER LTD.

Present:

Appellant : Shri Pradeep Kumar, the Appellant along with his brother
Shri Anil Kumar and Shri Naveen Kumar, Authorized
Representative

Respondent : Shri K. Jagatheesh, Sr. Manager, Shri I.U. Siddiqi, Manager,
Shri Sanjay Ray, AFO and Ms. Ritu Gupta, Advocate on
behalf of BYPL

Dates of Hearing: 24.07.2019

Date of Order: 30.07.2019

ORDER

1. The Appeal No. 18/2019 has been filed by Shri Pradeep Kumar through his authorized representative, Shri Naveen Kumar, in respect of his industrial electricity connection bearing CA No. 100081243 registered in favour of M/s Prabhat Industries situated at Shed No. 6, Ground Floor, DSIIDC, Block-G, New Seelampur, Delhi - 110053, against the CGRF-BYPL order dated 29.04.2019 passed in CG No. 13/4/2019. The issue concerned in the Appellant's grievance is regarding the meter found defective and further charging of energy charges on the basis of non-domestic supply instead of industrial category.

2. The background to the appeal arises from the receipt of an impugned bill for an exorbitant amount of Rs.90,660/- by the Appellant, with due date of payment on 15.09.2018. The Appellant approached the Discom (Respondent) with the inflated bill received by him along with previous bills and applied for testing of the meter. In the meantime he stopped his machines installed in the factory in order to avoid receiving of further inflated bills, till his meter is got tested and replaced if found faulty. However, even after reporting the matter of inflated bill, the Discom sent the next bill without waiting for the testing of the meter. The existing meter was replaced by Discom on 25.09.2018 with a



new meter and the old meter was sent for testing in the lab. The meter was tested in the lab in his presence on 01.10.2018 and was found to be burnt and declared faulty. The Appellant further alleged that only the data of the old meter was downloaded by the Discom, but they did not mention the percentage of accuracy of the defective meter. He further alleged that the faulty meter indicated an MDI of 22/23 KVA whereas the new meter is recording an MDI of only 18/19 KVA and hence the amount of security charges of Rs. 36,000/- charged from him on account of higher MDI is on higher side. He further pleaded that he has been billed for energy charges at the rate of Rs. 8/- as per non-domestic tariff instead of Rs.7.25 per unit as per industrial tariff, without assigning any reason, which needs to be corrected.

In view of the wrong impugned bill of Rs. 90,660/- he was forced by the Discom to pay an amount of Rs. 50,000/- on 19.11.2018 and Rs. 30,000/- on 22.11.2018 without getting the bill rectified and issue of revised bill. However, later on in November, 2018, the Discom revised the bill for the period of September, 2018 on 29.11.2018 and gave a refund of Rs. 53,000/- approx. whereas the refund should have been more than RS. 53,000/- since he kept his industry closed for production purpose for 17 days as explained above and also in view of the earlier consumption pattern which is on lower side. The Appellant also alleged that since the meter was installed long back and there is an expiry date of every meter, so the old meter must have been an expired meter, and he had been paying higher charges on account of the same, hence this point should also have been taken into consideration while revising his bills.

In view of the above background the Appellant approached the CGRF for redressal of his grievances and since he was not properly satisfied with the order of the Forum, hence preferred this appeal mainly on the grounds that the Forum has failed to take into consideration that he has been charged on non-domestic tariff instead of industrial tariff. Further, the Forum has not considered the fact that the Discom has also not provided the complete data of his said connection since the year 2004 onwards which was required to establish as to from when the meter has been recording faulty readings. The 'Tamper Count Details' of the meter have also been provided from 13.10.2017 to 12.09.2018 rather than from November, 2004, onwards when the meter was installed. The Forum has also not imposed adequate compensation on the Discom for deficiency in services.

In view of above, the Appellant prayed as under:

- a) To allow and admit the present appeal and call the record of the Ld. CGRF in case titled as "Pradeep Kumar V/s M/s BSESYPL" case bearing CG No.:-13/04/2019.
- b) That the impugned judgement and order dated 29.04.2019 passed by the Ld. CGRF, Karkardooma, Delhi in case titled as "Pradeep Kumar v/s M/s BSESYPL" case bearing CG No.:- 13/04/2019 be set



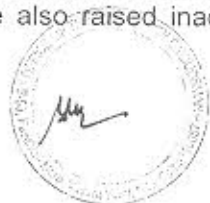
aside in the interest of justice and his complaint be decreed in terms of the relief sought in the plaint filed before the Ld. CGRF.

- c) To impose cost upon the Respondent and further to grant cost of the present appeal.
- d) Any other relief which this Hon'ble Forum may deem fit and proper in view of the facts and circumstances of the present case may also be granted in favour of the Appellant and against the Respondent.

3. The Discom in its reply has submitted that the present case is in respect of M/s Prabhat Industries, situated at Shed No. 6, Ground Floor, DSIIDC, Block-G, New Seelampur, Delhi - 110053, having an industrial connection with an initial load of 17 KW which was raised to 23 KVA at present on the basis of higher MDI readings from time to time as per the Delhi Electricity Regulatory Commission guidelines. The Discom submitted that the Appellant challenged the inflated bill of Rs.90,662.49 due on 15.09.2018 and on the complaint of the consumer the existing meter was changed on 25.09.2018 with a new meter. The old meter was sent to the lab and was got tested in the presence of the Appellant. The meter was found to be burnt and declared faulty and it was further observed that "High KVA MDI" was recorded in "History 01 & 02" of the data downloaded from the meter. The meter parameters were also downloaded from which it was observed that the fault occurred from August 12, 2018 onwards, and till July 9, 2018 the meter was working alright and there was no fault in the meter.

In view of above findings the bill was revised for a period from 28.07.2018 to 26.09.2018, till the date the old meter was replaced with a new one. Accordingly, a credit of RS.53,570.40 was passed on to the Appellant in the bill for the month of November, 2018, on the basis of the revision of the bill taking base period for the defective period as that of previous year as per extant regulations. It is further submitted that the bill was revised after giving adjustment of last payment of Rs.80,000/- paid by the Appellant and security amount of Rs.36,000/-. The other issue that of rate of tariff charged on non-domestic basis instead of industrial tariff, it is conveyed that the Appellant had not been able to provide valid MCD license to the Discom for the sanctioned load and as such the Appellant was charged on commercial tariff instead of industrial tariff as per the tariff order of 2018-19. It was also submitted by the Discom that the MCD license placed on record is for a period of 30.08.2018 till 31.03.2019 for 15 HP whereas the sanctioned load of electricity connection in issue is of 23 KVA. The Appellant was asked to show the original copy of the said license so as to take the corrective action.

The Discom further conveyed that after the clarifications of the matter regarding the industrial license was received by them, the Appellant was further given a credit for the period from 27.08.2018 to 27.03.2019 by raising the revised bill on the basis of industrial tariff instead of commercial tariff, and a revised bill dated 25.04.2019 was raised showing a credit of Rs.20,038.72. Thereafter, two bills were also raised inadvertently by them wrongly on the



basis of commercial tariff instead of industrial tariff due to some error in their system which occurred on account of flagging in their system but both the bills were rectified instantly by them and the due credit was given to the consumer in his next bills. The technical fault in their system was rectified and resolved and further bills are being issued as per the relevant industrial tariff. Regarding security charges of Rs.36,000/-, the Discom conveyed that the same have been charged as per applicable rates as per the regulations and the extant tariff order on account of higher MDI readings in the previous year and increase of sanctioned load thereby. As far as the supply of data of the meter is concerned, the Discom has provided the complete relevant data of the tested meter and no other data is required to be produced for the adjudication of the present case.

Besides above mentioned issues, the Appellant has tried to raise certain other issues of the bills raised in the past but failed to give any particulars of the same and hence were rejected by the Forum. The contention of the Appellant regarding expiry date of the meter was rebutted by the Discom and it was submitted that there is no term like "expiry date of the meter" in the regulations. However, following relevant provisions are mentioned based on which they have developed the practice of testing of the meters periodically on sampling basis.

"1. *Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017*

32. *Testing of meter:-*

(1) *Periodical Testing of meters by the Licensee:*

(iii) *The licensee shall, at no cost to the consumer, conduct periodical inspection or testing or both and calibration of the meters, as notified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time, at site, and as per the following schedule:*

<i>Railway, DMRC</i>	<i>At-least once in every six months</i>
<i>HT or EHT meters</i>	<i>At-least once in every year</i>
<i>LT 3-Phase meters</i>	<i>At-least once in every five years</i>
<i>Single phase meters</i>	<i>At-least once in every five years as per IS 15707: 2006-Testing, Evaluation, Installation and Maintenance of ac electricity meters-code or practice based on sampling plan as specified in IS 2500 (Part-I)</i>

2. *Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006*

Standards (Regulations 5):-



All interface meters, consumer meters and energy accounting and audit meters shall -

- (a) Comply with the relevant standards of Bureau of Indian Standards (BIS). If BIS Standards are not available for a particular equipment or material, the relevant British Standards (BS), International Electro-technical Commission (IEC) Standards, or any other equivalent Standard shall be followed: Provided that whenever an international Standard or IEC Standard is followed, necessary corrections or modifications shall be made for nominal system frequency, nominal system voltage, ambient temperature humidity and other conditions prevailing in India before actual adoption of the said standard;
- (b) Conform to the standards on "Installation and Operations of Meters" as specified in Schedule annexed to these regulations and as amended from time to time.
3. Indian Standard-15707:2006- TESTING, EVALUATION, INSTALLATION AND MAINTENANCE OF ac ELECTRICITY METERS -CODE OF PRACTICE.

12.7 Methodology of In-service Compliance Metrological characteristic and functional performance of meters under compliance requirements are tested. It is generally done on the basis of a sampling plan, with a selected no. of test points and functional characteristic."

It is, therefore, submitted that periodical inspection or testing or both and calibration of meters in service is being carried out by BYPL on lots selected on sampling as per IS 2500 (Part I) standards.

In addition, the Discom also denied the claim of the complainant for mandatory replacement of meters after expiry of 10 years by limiting useful period of electricity meters to 10 years as these are not mentioned in any of the provisions as mentioned herein above.

In view of the submissions made herein above, no any further issue or dispute is pending which needs further adjudication and as such there is no infirmity in the order passed by the Forum, and hence the present appeal is liable to be dismissed.

4. After hearing both the parties and considering the material on record, the basic issue that emerges is that the Appellant received an inflated bill, which was taken up by him with the Discom and the Discom got the meter tested in the lab instantly. The meter was found faulty and was replaced by them and the inflated bill, which was deposited by the Appellant earlier, was revised and the necessary credit was given to the Appellant as per the applicable extant regulations. The Appellant is not satisfied with the refund



credited to him on account of the fact that he kept his industry closed for intervening period of 17 days when the meter was being tested and replaced so as to avoid receiving more inflated bills in view of the faulty meter. But here this contention of the Appellant cannot be considered, as the bill has been revised and credit of the defective period of the meter has been given by Discom as per the regulation which stipulates that the bill is to be revised on the basis of the corresponding defective period of previous year and the Discom has revised the bill correctly as per the Regulations.

The Appellant approached the Forum wherein his grievances were heard and all the issues as raised by him were resolved judiciously on merit of the case including that of the charging of bills on industrial tariff instead of commercial tariff etc. The Discom has also taken the corrective actions on all the issues including the revisions of his bills on industrial tariff and giving him the necessary credit on account of wrong charging on commercial tariff earlier. The Forum has also rightly awarded a compensation of Rs.2,000/- (Rupees Two Thousand only) to the Appellant due to the deficiency of the services by the Discom, as per regulations and hence nothing more survives in the matter to be adjudicated.

However, regarding the expiry date of the meter it is clarified that there is no term like expiry date of the meter as per regulations and the contention of the Appellant is misconceived in this regard. As far as the issue regarding the enhancement of load and charging of enhanced security is concerned, it has been rightly enhanced and charged on the basis of four higher consecutive MDI readings of the previous year of 2017 thus increasing his sanctioned load from 17 KW to 23 KW. The objection of the Appellant on this ground is not right and hence rejected.

During the hearing, it was conveyed by the Discom that the compensation awarded in favour of the Appellant by the Forum has not been credited to him till date. The Discom is directed to pay the compensation to the Appellant within stipulated time as per the order of the CGRF under intimation to this Court.

In the background of above, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.


(S.C. Vashishta)
Electricity Ombudsman
30.07.2019