

(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/2008/278

Appeal against Order dated 13.05.2008 passed by CGRF-NDPL in CG.No. 1645/02/08/KPM

In the matter of:

Shri Iqbal Singh Bahl - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Iqbal Singh Bahl, Appellant attended in person

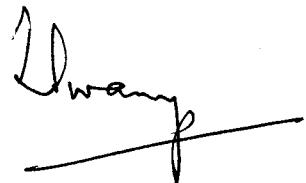
Respondent Shri M. S. Saini, Commercial Manager
Shri Ajay Kalsi, Senior Manager (Legal & Co. Secretary)
and Shri Vivek, Assistant Manager (Legal) attended on behalf of NDPL

Dates of Hearing : 26.08.2008, 09.09.2008

Date of Order : 16.09.2008

ORDER NO. OMBUDSMAN/2008/278

1. The Appellant Shri Iqbal Singh Bahl has filed this appeal against the order of CGRF-NDPL dated 13.05.2008 in the case CG No. 1645/02/08/KPM, stating that the order of CGRF is not judicious and is against all norms, rules and regulations.

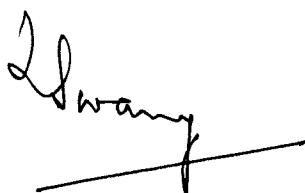


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2. The background of the case as per records submitted by both the parties is as under:

- i) It is stated by the Appellant that the problem of excess billing started from June 2003 onwards after his old electricity meter was replaced with a new electronic meter by NDPL.
- ii) The Respondent has confirmed that the old meter replaced on 01.06.2003 became faulty on 05.06.2004 and was replaced on 01.11.2004. The Respondent also confirmed that meter readings were available for the period 02.06.2003 to 05.06.2004, but provisional bills were issued by the NDPL for almost one year.
- iii) In the bill for December 2007 bill an arrear claim of Rs.13,392/- was added on account of revision of the bill on actual reading basis from 01.06.2003 to 05.06.2004, and on account of assessment for the meter defective period, from 05.06.2004 to 01.11.2004.
- iv) The Appellant filed a complaint before the CGRF. The CGRF in its order dated 13.05.2008 held that the revision of the bill on actual consumption basis for the period 01.06.2003 to 05.06.2004 and for assessment made for the period 05.06.2004 to 11.11.2004, is in order and the amount is payable by the Appellant. The CGRF, however, awarded a compensation Rs.1,000/- to the Appellant considering the fact that provisional billing against the connection, continued for almost one year. The LPSC amount charged, if any, was also waived.

Not satisfied with the order of the CGRF, the Appellant has filed this appeal.

A handwritten signature in black ink, appearing to read "J. I. Wang", is written over a horizontal line.

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the parties the case was fixed for hearing on 26.08.2008.

On 26.08.2008 the Appellant was present in person. The Respondent was present through Shri M. S. Saini Commercial Manager, Shri Ajay Kalsi Senior Manager (Legal & Co. Secretary) and Shri Vivek AM (Legal).

During the hearing the Appellant reiterated that the electronic meter installed in June 2003 was showing excess readings from the beginning and was declared to be faulty within a period of one year in June 2004. Several complaints had also been made by him in this regard. The Appellant also disputed the basis for assessment for the period June 2004 to November 2004. Several discrepancies were noticed in the records / statements produced by the Respondent. The Respondent was therefore asked to produce the records to clarify:

- (i) The date of amalgamation of the two meters installed at the Appellant's premises.
- (ii) Copies of the three meter change reports.
- (iii) The reason for declaring the meter faulty in June 2004
- (iv) Why were provisional bills raised from June 2003 when the payment of the regular reading based bill for August 2003 was received?
- (v) The reasons for changing the meter in February 2004, if any?
- (vi) The basis for credit given in June 2003, after the amalgamation of the two meters.

The case was fixed for the next hearing on 09.09.2008.

4. On 09.09.2008 the Appellant was present in person. The Respondent was present through Shri M. S. Saini Commercial Manager, Shri Ajay Kalsi Senior Manager (Legal & Co. Secretary) and Shri Vivek AM (Legal).

In reply to the clarifications sought at the previous hearing, NDPL stated that:

- (a) The DP connection of 1 kw was amalgamated with the DL connection of 3 kw on 14.12.2002.
- (b) The Respondent admitted that the meter was changed only on two occasions i.e. on 01.06.2003 and on 01.11.2004. The change of meter in February 2004 was wrongly indicated in the statement of account. The meter change report dated 01.06.2003 was not available / traceable and the NDPL admitted that only one meter change report dated 01.11.2004 was available. The meter change report indicates the date of change of meter and final reading of the old meter as also the initial reading of the new meter. In the absence of the meter change report of June 2003, the Respondent officials stated that they had assumed the initial reading to be "Zero" as on 01.06.2003.
- (c) The copy of the bill for August 2003 produced by the Appellant, indicates that the new meter number 0057514 is mentioned in the bill and the bill is raised on the basis of readings recorded by the new electronic meter installed in June 2003. The NDPL officials could not explain as to why for the subsequent periods, provisional bills were issued when readings were available. No meter book record was produced to indicate the reading 7675 taken on 05.06.2004 and thereafter no reading was recorded by the electronic meter. Before declaring the meter faulty, the NDPL officials did not get the meter tested. If the display was faulty the readings could have been downloaded from the electronic meter. The Respondent officials also could not explain the reasons as to why the

assessment bill was raised in December 2007 when the meter was changed three years back in November 2004.

- (d) As per the DERC Regulations “the meter, if found defective by the Discom is required to be replaced within 30 days” whereas in this case the NDPL has taken about 5 months to replace the meter. The reasons for delay could not be explained.
- (e) In response to the contention of the Appellant regarding excess readings recorded during the period 02.06.2003 to 05.06.2004, the Respondent in their written reply have stated that a comparison of the consumption for the period 01.08.2002 to 08.04.2003 (old meter) with the consumption for the period 02.06.2003 to 05.06.2004 (new electronic meter), it is seen that the consumption is comparable. The Respondent further submitted that the consumption of 274 units per month is also in consonance with the sanctioned load of 4 KW.

5. However, it is observed that the Respondent's plea is not in conformity with the details furnished in the statement of account, and shown in the August 2003 bill. The August 2003 bill reveals that the previous consumption pattern was as under:

August 2002	: 842 units (421 units per month)
October 2002	: 798 units (399 units per month)
December 2002	: 770 units (385 units per month)
February 2003	: 770 units (385 units per month)
April 2003	: 630 units (315 units per month)

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The consumption pattern after installation of the new electronic meter in June 2003, for the period 02.06.2003 to 02.08.2003 and 02.06.2003 to 10.10.2003 has varied from 1886 to 1860 units (943 units to 930 units per month).

The above figures reveal that the consumption from June 2003 onwards is far in excess of the consumption prior to June 2003 as indicated above.

6. It is also observed that there is no meter change record to indicate the actual date of installation of the new electronic meter in June 2003 and its initial reading. It appears that the Respondent has taken the initial reading to be 94 on 02.06.2003 without any supporting document. There is no record to confirm as to when the meter stopped working / not displaying the readings, nor was the meter tested before replacement to find out the reasons for declaring it faulty.

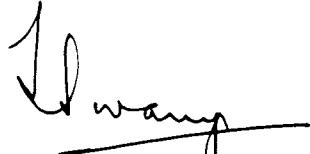
7. It can therefore be concluded that the Appellant's plea that the meter installed in June 2003 was faulty ab-initio (recording excess readings) appears to be reasonable. The last okay reading is available as on 08.04.2003. It is therefore decided that the period from 09.04.2003 to 31.10.2004 be treated as the 'meter defective period'. The assessment be made for this period on the basis of the average consumption for the period 14.12.2002 to 08.04.2003 (meters were amalgamated on 14.12.2002) and for six months after 01.11.2004 when the defective electronic meter was replaced.

After assessment, the excess amount paid by the Appellant be refunded by cheque within 15 days of this order. The Respondent is also liable to pay a penalty for raising provisional bills continuously for more than 2 billing cycles @

Rs.500/- per such bill, in accordance with Regulation 42 of the DERC Regulations 2002. The penalty amount is to be deposited with the DERC. The compliance report be sent to this office within 21 days.

The CGRF order is set aside except for the compensation amount of Rs.1,000/- awarded to the Appellant.

16th September 2008.


(SUMAN SWARUP)
OMBUDSMAN