

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
(Phone No.: 011-26144979)

Appeal No. 29/2019

(Against the CGRF-BRPL's order dated 05.11.2019 in CG. No. 60/2019)

IN THE MATTER OF

Shri Subhash Chand Bhatia

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Subhash Chand Bhatia

Respondent: Shri Sudarshan Bhattacharjee, Senior Manager,
Shri Satyendra Singh, Commercial Officer,
Shri Shiv Prasad, Associate (IT) and Shri Deepak
Pathak, Advocate, on behalf of BRPL

Date of Hearing: 18.12.2019

Date of Order: 26.12.2019

ORDER

1. The appeal No. 29/2019 has been filed by Shri Subhash Chand Bhatia, against the order of the CGRF-BRPL (Forum) dated 05.11.2019 passed in CG No. 60/2019. The issue concerned in the Appellant's grievance is regarding raising of arbitrary bill and thereby increasing of sanctioned load of his domestic electricity connection bearing CA No. 102365165 installed at H.No. C-18, Ground Floor, Swami Nagar (North), New Delhi -100017, by the Discom (Respondent).

2. In the instant appeal, the Appellant has stated that his sanctioned load was increased from 2 KW to 3 KW on the basis of three consecutive highest MDI readings for the months of December, 2018, January, 2019 and February, 2019 w.e.f. 01.07.2019, which is not as per the regulations. The Discom further raised an arbitrary bill against the said electricity connection wherein an additional security of Rs.900/- was also charged along with enhanced fixed charges on account of increase in sanctioned load. The Appellant has also challenged the bill raised by the Discom on account of three MDI readings instead of four readings as per regulations and has termed the increase of load as arbitrary. Secondly, the Appellant has also denied that any agreement has been signed between him and the Discom and in the absence of any such agreement between the Appellant and Discom, the Discom cannot impose any revision/enhancement of the existing load. He also submitted that in view of the



above, his load be reversed to 2 KW from 3 KW, consequently the bill be corrected and revised in respect of fixed charges and enhanced security deposit. The LPSC charged on account of the same be also refunded as it has been charged for no fault on the part of the Appellant.

In addition to the above, the Appellant is also aggrieved by the fact that none of his letters submitted to the various authorities of the Discom from time to time in pursuance of the above said matter were responded by them and hence has been deprived of natural justice. In addition to above, without clarifying to his queries by the authorities of the Discom in the instant case, the Discom sent him a notice for disconnection of his electricity connection on 06.08.2019 and to avoid disconnection of the supply, he paid all the dues along with LPSC. The Appellant further submitted that he approached the Forum for redressal of his grievances wherein his complaint was not granted and hence this appeal has been filed on the grounds that the Forum has failed to consider that the notice served to him for load enhancement by the Discom was not as per the regulations as the sanctioned load was enhanced on the basis of the readings of only three consecutive months instead of four as stipulated in the regulations. Further, since the Forum has also not considered his plea that none of his correspondences to the Discom were ever replied by them till date, he has finally prayed that the impugned order of the Forum dated 05.11.2019 be set-aside and direct the Discom to issue revised electricity bill w.e.f. 01.07.2019 onwards by reducing the arbitrarily enhanced sanctioned load from 3 KW to 2 KW and to refund/adjust the excess payment made by him on the same count. He also prayed to award cost of litigation and compensation towards damages caused in terms of hardship to a senior citizen on account of deficiency in services by the Discom.

3. The Discom in its reply has submitted that the said electricity connection bearing CA No. 102365165 was sanctioned with a connected load of 2 KW in the name of the Appellant, Shri Subhash Chand Bhatia. The sanctioned load of the electricity connection under reference was increased by them from 2 KW to 3 KW on the basis of average of four consecutive highest MDI readings in the financial year 2018-19 as per the Clause 17(4) of DERC's Supply Code & Performance Standards Regulations, 2017, and accordingly a notice dated 17.05.2019 was issued to the Appellant intimating him that his sanctioned load is required to be increased to 3 KW w.e.f. 01.07.2019. It was further intimated to the Appellant that based on load revision an additional security of Rs.900/- along with fixed charges will be debited to his bill for the month of July, 2019, however, in case of any disagreement, the Appellant may revert within 30 days otherwise enhancement of the load will be considered as accepted by him. The Discom further submitted that the grievance of the Appellant in the instant appeal is that although the provision of clause 17(4) was relied upon by the Forum to uphold the enhancement of the load, yet the said provision has not been followed by the Discom as the MDI's of only three months reflected the load being more than 3 KW and not the contemplated four months as provided in the said Regulation. However, as per the Discom the contention of the Appellant is highly misconceived in as much as the period in question relied for enhancement is four



months average from December, 2018 to March, 2019, which comes out to be above 3 KW and hence the load was increased to 3 KW w.e.f. 01.07.2019.

The Discom also submitted that the other contention of the Appellant regarding non-receipt of the reply from the Discom against the various communications sent by him to the Discom with regards to the notice dated 17.05.2019 is of no consequence, as the enhancement of load was done on the basis of MDI's which were reflected in the bills for the aforesaid four months and hence cannot be disputed. However, the Discom stated that they had replied to the letter written by the Appellant but the same was sent on the wrong address inadvertently and have noted the clerical mistake and submitted that they shall be careful and vigilant in future in this regard. In view of the foregoing, Discom submitted that the demand for enhancement of load was raised on the basis of MDI's as per the DERC's Regulations and the contentions of the Appellant made in the instant appeal are without any basis and deserve to be disallowed.

4. After going through the material on record and hearing the arguments of both the parties, the basic issue which emerges is that the Discom has increased the sanctioned load of the Appellant under reference from 2 KW to 3 KW based on the four consecutive highest MDI readings in the financial year 2018-19 as per clause 17(4) of DERC Supply Code & Performance Standards Regulations, 2017. The Appellant however appealed and argued against this upward revision of the load by the Discom, as he was aggrieved by the issue that the notice received by him only reflected three MDI readings instead of the contemplated four consecutive months readings and hence the load cannot be enhanced by the Discom. Secondly, as the notice also mentions that in case of disagreement, the Appellant needs to revert back within 30 days, which was also communicated by him to the Discom but the Appellant did not receive any reply/clarification from them. Rather he got a letter that if these dues on account of enhancement of the sanctioned load are not deposited by the Appellant, his connection will be disconnected.

In view of the aforesaid, now the core issue in the present appeal reduces to one of a demand by the Appellant to penalize the Discom and compensate him by not enhancing his load from 2 KW to 3 KW w.e.f. 01.07.2019, for the deficiency in services by the Discom for serving him with the incomplete notice for enhancement of sanctioned load and not following the procedure laid down under the regulations.

Given the above exposition and taking all the factors into account including the responses of the parties during the hearing, it is held that the Appellant's complaint does not have a sound basis and that the enhancement of load from 2 KW to 3 KW based on four consecutive highest MDI readings in the previous financial year and raising of bills accordingly by the Discom is in order and the same has been carried out as per the extant DERC Regulations. The plea of the Appellant that he may not be charged as per the enhanced sanctioned load of 3 KW cannot be acceded to merely on account of the fact that he has been served with the incomplete notice. In any case, Appellant is liable to pay for the power which has obviously been consumed during the period by him



beyond his sanctioned load as per the regulations whether or not he has been served with the proper notice. Therefore, the order of the Forum upholding the increase in sanctioned load carried out by the Discom is in order.

It would, however, not be out of place here to note that the Discom sent the required notice having incomplete details with regards to enhancement of sanctioned load and also did not send the reply/clarification to the Appellant at proper postal address. The plea of the Discom that the deficiency in the notice is on account of problem in automated generating system and clerical mistakes etc. does not sound justified and is not a sufficient defence unto itself. However, no case for a compensation or otherwise is made out of it as it is not possible to audit and monetize the gravity and quantum of harassment on the basis of which the relief has been sought or even to attempt to establish benchmarks in this regards. Neither it is possible to go in for the details of how much compensation is justified nor the mechanics of determining its reasonableness as any such exercise would necessarily be arbitrary in nature with its attendant implications. However, there are evident deficiencies in the customer interface procedure and mechanisms of the Discom, which need to be attended to with the importance they warrant.

The appeal stands disposed off accordingly.


(S.C.Vashishta)
Electricity Ombudsman
26.12.2019