

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/2008/290

Appeal against Order dated 25.02.2008 passed by CGRF – NDPL in CG No. 1531/11/07/MGP

In the matter of:

Shri Ravinder Malhotra

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri Ravinder Malhotra

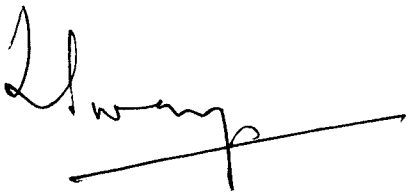
Respondent Shri Anirudh Sinha HOG (R&C) - Mangolpui,
Shri Gaurav Sharma, Associate Billing
Shri Vivek, AM (Legal)

Date of Hearing: 23.12.2008

Date of Order : 31.12.2008

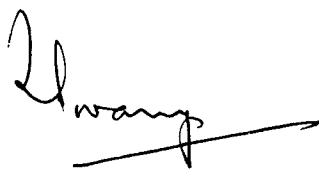
ORDER NO. OMBUDSMAN/2008/290

1. The Appellant, Shri Ravinder Malhotra, has filed this appeal against the orders of CGRF-NDPL, stating that the Forum's order is erroneous as it is not based on correct facts and law. The Appellant further states that the demand raised by the Respondent is in violation of section 56 (2) of Electricity Act 2003, as the demand pertains to the period April 2001 to March 2005.



2. The background of the case as per the submissions of both the parties is as under:-

- i) In the appeal the Appellant has submitted that he has an industrial connection for a load of 6.6 KW. He has further stated that after recording the reading of 27950 in April 2001, no further readings were recorded till December 2003 by NDPL. The Meter was replaced on 04.12.2003. This meter was also faulty since the very beginning and was again replaced on 05.03.2005. During this period the Respondent had raised provisional bills.
- ii) The Respondent added a supplementary demand of Rs.4,67,137/- in the May 2007 bill. Against the said demand, the Appellant filed a complaint before the CGRF on 15.11.2007. Before the CGRF the NDPL submitted the details of readings recorded from 02.11.1999 to 04.12.2003. The NDPL further stated that as per the meter change report dated 04.12.2003, the final reading was 32828 and the reading on 24.01.2002 was 80570 indicating that the meter had completed one round.
- iii) The Respondent carried out the assessment on account of meter being faulty for the period 04.12.2003 to 05.03.2005, restricting the assessment period only to six months. The Respondent also raised bills on actual reading basis from 05.03.2005 to 23.07.2007 and the net payable amount was calculated to be Rs.9,15,075/- which included Rs.1,14,526/- on account of LPSC. The Respondent further stated before the CGRF that the complainant had not been making regular payments and had made only six payments between June 2003 to June 2007.

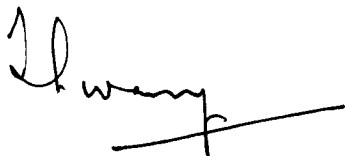


- iv) During the hearing before CGRF, the Appellant disputed the meter change report dated 04.12.2003 stating that the signature appearing on the meter change report are not his, as would be clear from comparison of his signatures appearing on all other documents submitted along with the case. The Appellant also filed an affidavit dated 19.02.2006 in this respect duly attested by the Notary Public.
- v) The NDPL stated that as per the meter book record, PL remarks have been repeatedly reflected during the period April 1999 onwards till November 2003 and incremental readings have also been recorded on different occasions as under:
- R-5040 recorded on 02.11.1999,
 - R-12900 recorded on 08.03.2000
 - R-14980 recorded on 03.04.2000
 - R-24433 recorded on 03.01.2001
 - R-27950 recorded on 09.04.2001
 - R-51052 recorded on 13.08.2001 and
 - Finally Reading 80570 recorded on 24.01.2002.

This implies that supply was being consumed through the meter.

The CGRF in its order has observed that:

- a) There is no dispute till 05.03.2001 when a sum of Rs.6,934/- was due from the consumer.
- b) The respondent had placed sufficient evidence on record regarding the reading 80570 having been recorded on 24.01.2002. The demand raised up to this reading was held to be justified.
- c) The authenticity of the signatures of the complainant on the meter change report was found to be doubtful. The period 24.01.2002 to 05.03.2005 was

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therefore treated as meter defective period, and for this period the assessment has been restricted to six months only i.e. from 05.09.2004 to 05.03.2005 on the basis of average consumption recorded during the one year period after replacement of the meter. The period 24.01.2002 to 05.09.2004 is to be charged on minimum / fixed charge basis.

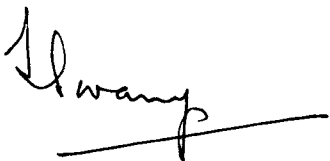
- d) **The period 05.03.2005 onwards.** Regular readings have been recorded during this period. The complainant was not making payments regularly and supply was disconnected on 06.08.2007 for non clearance of dues. The supply was restored after the interim orders of the Forum for deposit of a sum of Rs.1,80,000 by the complainant, which was deposited.
- e) The demand raised after replacement of meter on 05.03.2005 till date was found to be in order and payable. The complainant was allowed to clear the demand so raised in six equal monthly installments.

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

3. After scrutiny of the contents of the appeal, the CGRF's order and the submissions made by both the parties, the case was fixed for hearing on 19.12.2008.

On 19.12.2008, the Appellant was present in person. The Respondent was present through Sh. Mukesh Gupta, Commercial Manager-Mangolpuri, Sh. Anirudh Sinha HOG (R&C), Sh. D. P. Nathani, AM (Finance), Sh. Ashok Mann AG II and Sh. Vivek AM (Legal).

Both parties were heard at length. The Respondent were asked to file the statement of dues for the disputed period, and to give a break-up of the disputed bill for Rs.10,01,375/- till 04.07.2007 showing arrears, current



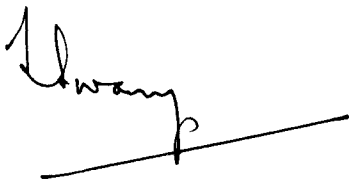
demand, LPSC and the amount of payment received. The case was fixed for further hearing on 23.12.2008.

4. On 23.12.2008, the Appellant was present in person. The Respondent was present through, Sh. Anirudh Sinha HOG (R&C)- Mangolpuri, Sh. Gaurav Sharma Associate- Billing and Sh. Vivek AM (Legal).

Three statements were filed by the Respondent from 2001 onwards, regarding the units consumed, demand raised and the payments received from the Appellant. After hearing both the parties and on scrutiny of statements filed by the Respondent, it is seen that the last reading taken on 24.01.2002 of 80,570 does not appear to be correct, keeping in view the consumption pattern of the Appellant from 1999 onwards. The reading taken on 09.04.2001 of 27950 shows a consumption of approximately 1000 -1200 units per month between 1999 and 2001. **The CGRF order is partially modified and the special reading of 27950 recorded on 09.04.2001 is taken as authentic and the basis for calculating dues upto 09.04.2001. The dues for the disputed period 09.04.2001 to 24.01.2002 be assessed on the average consumption of one year, prior to 09.04.2001. The rest of the CGRF's decision is not interfered with.**

5. Based on the above directions, the Respondent has worked out revised dues for the period 09.04.2001 to 24.01.2002 based on average consumption for the period 08.03.2000 to 09.04.2001 by excluding the period 05.02.2001 to 05.03.2001, when supply was disconnected.

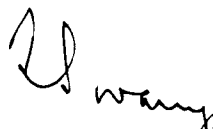
The Respondent stated that a credit of Rs.1,44,203.96 is now available as on 05.03.2005, which may be adjusted in subsequent bills/ dues up to 23.07.2007 after accounting for payments received.



6. The statement of account submitted by the NDPL indicates that from May 2005 to July 2007, the Appellant has made a payment of Rs.30,000/- on 03.04.2006, Rs.40,000/- on 19.06.2006, Rs.20,000/- on 19.07.2006 and Rs.20,000/- on 14.06.2007. Thus it is evident that the Appellant has not been making regular payment even of current dues which are based on actual readings, although replacement of the meter was done on 05.03.2005. The supply was disconnected on 06.08.2007 for non-clearance of dues including arrears and the same was restored after the interim orders of the Forum for deposit of Rs.1,80,000/- As per the CGRF's order dated 25.02.2008, the Appellant was to deposit the remaining dues in six equal installments. The Appellant deposited only two installments of a sum of Rs.1,29,850/- on 24.07.2008. Thereafter no further payment was made and this appeal was filed in October 2008.
7. The Respondent informs that after revision, the net payable amount is Rs.1,70,112.04 as on 20.11.2008, which is to be deposited by the consumer. Copies of the three statements filed by the Respondent are given to the Appellant. A revised bill of arrears and current dues be given to the Appellant within a week of this order after taking into account the modification in the CGRF's order referred to in para 4 above. The Appellant should make payment of the arrear amount in three equal monthly installments beginning from January 2009, along with current dues.

The CGRF order is modified to the extent indicated in para 4 above.

31st December 2008.


(Suman Swarup)
Ombudsman