

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/2009/315

Appeal against Order dated 11.11.2008 passed by CGRF–BYPL in case CG. No.170/09/2008.

In the matter of:

Shri Anil Sood

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

- Respondent

Present:-

Appellant The Appellant Shri Anil Sood was present in person

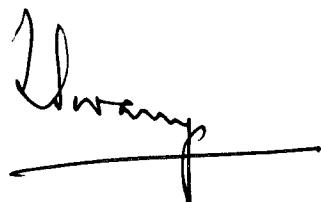
Respondent Shri Kulbir Deshwal, General Manager, Laxmi Nagar
Ms. Sapna Rathore, Assistant
Shri Ajay Das, Section Officer and
Shri Rajeev Ranjan, Assistant Manager (Legal), attended on behalf of the BYPL

Date of Hearing : 29.04.2009

Date of Order : 11.05.2009

ORDER NO. OMBUDSMAN/2009/315

1. The Appellant, Sh. Anil Sood has filed this appeal against the order dated 11.11.2008 of CGRF-BYPL in the complaint no. 170/09/2008, with the main prayer as under:



- (a) To set aside the order of the CGRF.
- (b) The last meter reading be taken as 10089 as on 01.02.2008 and consumption be calculated accordingly.
- (c) Under Section 56(2) of the Electricity Act, only arrears of the last two years may be calculated i.e. from 19.07.2006 onwards.
- (d) LPSC levied should be excluded.
- (e) Action be taken against the officer on whose order electricity was disconnected on 15.10.2008 although the case was pending before the CGRF.
- (f) While calculating the bill the relevant slab rates of electricity, tax, subsidy etc be levied.

2. The background of the case as per contents of the appeal, the CGRF's order and the reply filed by both the parties is as under:

- (i) An electric connection vide K. No. 123005040171 in the name of Shri Mohinder Buddhiraja was energized on 04.01.2002 with meter no. 113436 for a 4 KW sanctioned load for domestic purposes. As the master data was not fed into the billing system, no bills were issued by DVB / BYPL against this connection till February, 2008. The connection was detected as unbilled on 12.02.2008 by the BYPL during a site inspection.
- (ii) BYPL raised the first bill in March 2008 in the name of Shri Shyam Lal as recorded in the site inspection report. Since, the

case was listed under the unbilled cases (UBC) no records were available nor had the consumer produced any records.

- (iii) On receipt of a complaint from the Public Grievance Cell (PGC), Department of Power, the BYPL revised the bill upto 08.05.2008 with a reading of 15309, and dues of Rs.32,850/- (meter no. 113436). The old electro mechanical meter was replaced on 08.05.2008 at reading 15309 with an electronic meter. On the basis of the documents provided by the consumer in his complaint, necessary correction was made in respect to the actual name of the registered consumer (Shri Mohinder Buddhiraja) instead of Shri Shyam Lal, and the sanctioned load of 4 KW instead of 1 KW. The date of installation of the meter was shown as 04.01.2002.
- (iv) BYPL revised the bill for the period 01.07.2002 (R-1179) to the final reading 15309 taken while changing the meter on 08.05.2008. The consumption recorded by the new meter from 08.05.2008 (R-2) to 07.08.2008 at R-1900 for a 4 KW sanctioned load was included in the bill for Rs.40,351.30. As per the policy, the dues for the DVB period 04.01.2002 to 30.06.2002 were waived off.
- (v) The Appellant filed a complaint before the CGRF on 01.09.2008 and prayed for correction of the bill with due benefit under 56(2) of Electricity Act, 2003, levy of tariff as per proper slabs, and no

levy of LPSC. He also requested that the new meter should be checked.

(vi) The CGRF in its order dated 11.11.2008 observed as under:

- The connection was installed on 04.01.2002 with meter no. 113436 at the initial reading – 3.
- No bill was issued till February 2008 by the Respondent, admittedly due to the reason that the master data was not fed into the computer system. No request was made by the Appellant to the Respondent company in writing regarding non receipt of the bills against this connection till 14.02.2008, and no documentary evidence was produced by the Appellant for the same.
- The old electro-mechanical meter was replaced with an electronic meter on 08.05.2008 at the final reading of 15309. The Respondent company did not produce the meter change report duly signed by the Appellant. The Respondent submitted photographs of the meter, for confirming that the reading was 15309.
- The new electronic meter no. 14023576 was checked / tested on 08.10.2008 and was found showing variation within permissible limits. The Respondent company apologized for their action of disconnection of supply / removal of meter on 15.10.2008, and subsequently restored the supply through the same meter the same day.

- The Appellant submitted a photograph (taken himself) of the old electro mechanical meter indicating the reading to be 10089 in February, prior to filing of the complaint regarding non receipt of the bill in February 2008.

(vii) The CGRF concluded in its order that the Appellant is liable to pay the charges for electricity consumed by him for the consumption w.e.f. 01.07.2002 at R-1179 to 08.05.2008 at R-15309, and also as per the new meter w.e.f. 08.05.2008 at R-2 onwards till date. The CGRF allowed the Appellant to deposit the amount reflected in the revised bill, in six monthly installments alongwith current dues. The CGRF also awarded a compensation of Rs.2000/- to the Appellant for the harassment and mental agony caused to him by the Respondent.

3. Not satisfied with the orders of the CGRF-BYPL, the Appellant has filed this appeal.

After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 29.04.2009.

On 29.04.2009, the Appellant was present in person. The Respondent was present through Shri Kulbir Deshwal, G.M., Shri Laxmi Nagar, Ms. Sapna Rathore, Assistant, Shri Ajay Das, S.O. and Shri Rajeev Ranjan, A.M. (Legal),



Both the parties were heard. The Appellant stated that three consecutive incorrect bills were raised in 2008. The Appellant had purchased the property on 21.04.2003 and had requested for raising of the bills thereafter. The Appellant produced photographs of readings taken on 10.02.2008. The Respondent also stated that the bill was raised for the first time in 2008 under the Un-billed meter Scheme. Some discrepancies were pointed out in the readings taken and recorded in the various reports, such as the meter test report, meter change report, and the site verification report. The Respondent produced the meter change report dated 08.05.2008 indicating the final reading of 15309. However, this report did not bear the signature of the Appellant. The Respondent also produced a copy of the site verification report dated 12.02.2008 wherein a reading of 14921 was recorded.

4. After hearing both the parties and on going through the records, it is concluded as under:

(a) The Appellant had purchased the flat on 21.04.2003 whereas the meter was installed on 04.01.2002 in the name of Shri Mohinder Buddhiraja, the original owner. The Respondent admitted that the first bill was raised in February 2008 only and no arrears / dues were raised before or at the time when the flat was purchased by the Appellant. In view of this, in my view the Appellant is liable to pay only for electricity consumed w.e.f. 21.04.2003 onwards i.e. after he purchased the flat. The

electricity charges for the period prior to 21.04.2003 are not payable by the Appellant as neither he had consumed the electricity prior to this date nor had the Respondent raised any bill by that time in the name of the original owner. Had the Respondent raised the bills regularly, and dues were claimed, the Appellant could be held liable to pay the arrears prior to 21.04.2003.

(b) The new meter was installed at the reading 2, on 08.05.2008 the Appellant is liable to pay the current energy charges calculated on the basis of actual readings of the new meter with proper slabs as per provisions of the tariff.

5. In accordance with the above principles the Respondent has submitted a revised statement of the payable amount as under:

- a) The amount payable for 12186 units consumed w.e.f 21.04.2003 to 08.05.2008, with 4 kw sanctioned load, after giving proper slabs and subsidy is worked out to Rs.30,024.27.
- b) The revised amount payable for 4485 units recorded by the new meter w.e.f. 08.05.2008 to 27.03.2009 after allowing appropriate slabs and subsidy has been worked out to Rs.14,949.9.
- c) The Appellant has already paid Rs.16,960/- Hence the net amount payable (upto the reading 27.03.2009) works out to

Rs.28,014.17. The Appellant is allowed to make the payment of the above amount in four equal installments to be paid alongwith the current bill.

The CGRF order is modified to the extent above.

11th May 2009.


~~Suman Swarup~~
(SUMAN SWARUP)
OMBUDSMAN