

Office of the 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/2012/451

Appeal against the Order dated 30.11.2011 passed by CGRF-
BRPL CG.No. 450/2011.

In the matter of:

Smt. Meera Jhangiani - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant: Smt. Meera Jhangiani was not present.

**Respondent: Shri Anand Tripathi, DGM (B), Dwarka, attended
on behalf of the BRPL.**

Date of Hearings: 31.05.2011 & 12.06.2011

ORDER NO. OMBUDSMAN/2012/451

This appeal is against the order of the Consumer Grievance Redressal Forum (CGRF)- BRPL dated 30.11.2011, arising out of a complaint of the consumer in which the DISCOM (BRPL) had reportedly raised a bill of Rs.4,500/- which was said to be much higher compared to previous bills, and also charged Rs.604/- as other charges which are said to be due to enhancement of load based upon observed consumption.

The complainant argued that electricity consumption in earlier periods was lower, and she has not been intimated about any proposed enhancement of load.

During the hearing held on 31.05.2012, the DISCOM was asked to obtain and supply details of the letter sent about the proposed load enhancement, a

copy of which has been filed in the DISCOM reply of February 2012. This letter is un-dated and there is no proof of delivery based on any record. The letter has attached with an additional security deposit demand-note due to load change of Rs.600/- . A representative of the complainant was also called in order not to decide to case only after hearing only the DISCOM. The complainant sent a letter on 11.6.2012 that the facts of her appeal may be taken into account and that the matter may be heard without her representative.

The hearing was held on 11.06.2012, in which the DISCOM's representative produced a record of bulk mail dispatch of letters sent on 12.08.2011. However, it is not clear if the proposed load enhancement notice in this case was part of this bulk mailing. No proof of receipt by the complainant has been attached. The CGRF had held that enhancement of load, and the additional charges of Rs.600/- were on the lines of the DERC's order No: F.11(548)/DERC/2009-10/C.F No.2373/4557 dated 01.02.2011, and hence found the action by the DISCOM to be in order. However, in the absence of any proof of dispatch of receipt it cannot be said the requirements of section 47(2) of the Electricity Act, 2003 have been met. The order of the DERC of 01.02.2011 pertains to the methodology of enhancement load through three different MDI readings but does not dispense with the requirement of the above section 47(2), of the Electricity Act, 2003.

Even otherwise, in a mass mailing of the kind carried out by the DISCOM, there is no guarantee that the letter actually reached the individual addressee, unless the postal department so certifies. Since the complainant has contended that she did not receive any notice under the Electricity Act, merely correctness of the MDI procedure will not be enough to allow the DISCOM to include the load enhancement demand in the electricity bill. It is, of course, open to the BRPL to issue a fresh notice, ensure delivery, observe the other provisions of the Electricity Act, 2003 before including the security deposit in the electricity bill.

Regarding excessive consumption and higher bill received by the complainant, the DISCOM has filed consumption details which have also been referred to in the CGRF's order. It is seen that there has been variation up and down in consumption in other periods and in earlier years also, and it cannot be argued that the present period is exceptional in any way. I agree with the findings of the CGRF on this issue.

The DISCOM may carry out the necessary formalities for load enhancement as detailed above, if needed.



(PRADEEP SINGH)
OMBUDSMAN
19/6 June, 2012

(

(