

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
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Appeal No. 46/2024

(Against the CGRF-TPDDL's order dated 08.10.2024 in CG. No. 148/2024)

IN THE MATTER OF

Ms. Sapna Gupta

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

Present:

Appellant: Shri Dinesh Gupta, Authorized Representative of the Appellant .

Respondent: Shri Ajay Joshi & Shri Vivek, AGM (Legal) and Shri Gagan Sharma,
Manager (RBG) on behalf of the TPDDL

Date of Hearing: 17.02.2025

Date of Order: 18.02.2025

ORDER

1. Appeal No. 46/2024 has been filed by Ms. Sapna Gupta, R/o 217, Upper Ground Floor, Tarun Enclave, Pitam Pura, Delhi - 110034, through her husband Shri Dinesh Gupta, challenging the CGRF-TPDDL's order dated 08.10.2024 passed in CG No. 148/2024.

2. The background of the case is that the Appellant is having a non-domestic electricity connection bearing CA No. 60019096027 with sanctioned load of 3 KW, which was registered in the name of Smt. Sunita Kapoor, the previous owner of the premises. In November, 2023, the Appellant, received a bill of Rs.2,590/-, which she noted was approx. Rs.1,500/- in excess compared to the last 36 months pattern because the premises in question had remained closed due to certain circumstances, resulting in consumption of only 2-4 units. Subsequently, the Appellant approached the Discom stating that as the sanctioned load was 3 KW and her usage is only 10 units, she requested the Discom to reduce the sanctioned load from 3 KW to 1 KW w.e.f. 1.7.2024 along with refund of Rs.1500/- for excess billing and Rs.2,000/- for deficiencies in services

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18/2

as well as updation to her mobile number. This request was followed up through an e-mail on 27.12.2023.

In the meantime, on 21.04.2024, the Discom sent a notice for upwards revision of sanctioned load to the Appellant. Subsequently, enhanced the sanctioned load from 3 KW to 4 KW on 27.04.2024, and issued a demand note for Rs.4,500/- towards security deposit, in accordance with Regulation 17(4)(i)(ii)(iv) of the DERC's Supply Code, 2017. In response, the Appellant sent another letter on 15.05.2024, informing the Discom that the meter was not in use and reading from November and December, 2023 reflected only a single unit. The Appellant requested the reversal of all the charges. However, the Discom sent only system generated replies each time.

3. The Appellant approached to the CGRF-TPDDL on 14.08.2024, with issues relating to incorrect MDI and load changes from November, 2023, and that despite her actual usage being only 2-4 units, the Discom had sent her bills with high MDI and consequent bills. Moreover, her office was closed since last nine months and she therefore requested the Forum to rectify the bill of Rs.4,500/- for enhanced load from 3 KW to 4 KW w.e.f. 1.7.2024 and to reduce her load to 1 KW. Furthermore, she requested that her electrical supply be not disconnected till the matter is resolved. The Appellant also argued that if the Discom has the authority to increase the sanctioned load, then why it should not decrease it without her consent.

4. The Discom, asserted that in consonance with Regulation 17(4) of the DERC's Supply Code, 2017, the load was revised from 3 Kw to 4 KW w.e.f. 01.07.2024, taking into account consecutive four months MDIs, as detailed below:

Reading Date	16.09.2023	17.10.2023	17.11.2023	23.12.2023	Average MDI
MDI (KW)	2.600	1.980	6.900	5.370	4.21

In this regard, the Discom issued a notice for upward revision of the load to the Appellant in April, 2024. The Discom further submitted that the last payment of Rs.1,210/- was made by the complainant on 16.06.2024 for the billing month of May, 2024. Thereafter, no further payments were made by her, leading to a temporary disconnection of supply on 08.08.2024. The electricity supply was restored by the Discom on 26.09.2024, on the direction of the CGRF. Furthermore, on the request of the Appellant, the Discom carried out a meter testing on 16.01.2024 and found the accuracy at 1.16%, which is within the permissible limit. However, the MDI readings and load from September 2023 to December, 2023 were disputed. The Discom also submitted that being a single phase meter, data for the period of High MDI was not available. However, records of readings taken time to time were placed for the record.

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18/2

The Appellant filed a rejoinder and contested this reading and requested the Forum to check the reading for the last four years, instead of for the period September 2023 to December, 2023 and waive off the meter rent for the disconnected period from 06.08.2023 to 26.09.2023.

5. The CGRF-TPDDL, in its order dated 08.10.2024 held that the MDI does not correspond with actual consumption of units, therefore, MDI of meter is not accurate. The Forum directed the Discom to reduce the load from 4 Kw to 3 Kw and revised the bill as per sanctioned load of 3 KW. Also, any amount charged under this head, should be refunded. Additionally, the subject meter be replaced with a new meter within ten days from the receipt of this order. With regard to reduction of load from 3 KW to 1 KW, the complainant was directed to apply separately for the same within seven days from the receipt of this order. Thereafter, the Discom was directed to processes the same as per Regulations.

6. The Appellant, not satisfied by the order dated 09.11.2024, passed by the CGRF-TPDDL, has filed this appeal and restated her submissions as before the CGRF. In addition, the Appellant submitted that the Discom disconnected her electricity supply on two occasions. Firstly, on 27.09.2024, when she filed a complaint in the CGRF-TPDDL and again on 07.10.2024, prior to the receipt of forum's order, which she claimed was contempt of CGRF's order. The Appellant further submitted that although she sent an e-mail to various Departments of the Discom, seeking compensation of Rs.10,000/- for this arbitrary action but no response has been received by her. Furthermore, according to the CGRF's order, the faulty meter was replaced on 16.10.2024, however, billing correction is not done so far. The Discom has issued a fresh bill of Rs.6,750/- and Rs. 8,300/- without adjusting the revised bill. The Appellant had also requested for name change and load reduction but the same have not been done till date. Moreover, on 18.10.2024, the Discom sent her a new bill of Rs.6,750/-, without adjusting Rs.8,300/- (approx.) and the load has also not reduced so far, as prayed before the CGRF.

The Appellant has requested for the following relief:

- i. Electricity be not disconnected till the final disposal of the present appeal.
- ii. Refund of Rs.30,000/- + Taxes (calculated @ Rs.500/- per month x 60 months) on account of the charge for an additional 2 KW load for almost five years.
- iii. To change the name of Registered Consumer in her name on the basis of the documents already submitted.
- iv. To award a compensation of Rs.20,000/- (till 18.10.2024) on account of delay in compliance of CGRF's order.

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7. The Discom, in its written submission to appeal vide letter dated 10.12.2024 reiterated the facts placed before the CGRF-BYPL. In addition, the Discom submitted that the bill for the period from 01.07.2024 to 29.09.2024, has been revised, and credit of Rs.1,445.12 reflected in the bill dated 11.11.2024. The security amount of Rs.4,500/- was already stands adjusted in the bill issued on 18.10.2024. Further, the Appellant has not made any request for change of load to 1 KW despite the clear direction from the CGRF-TPDDL, as such, the same could not be processed. The Discom also mentioned that the old meter (10130952) was replaced with a new one (No. 75064428) on 16.10.2024.

8. The appeal was admitted and fixed for hearing on 17.02.2025. During the hearing, the Appellant was represented by her husband Shri Dinesh Gupta and the Respondent was represented by its authorized representatives. An opportunity was given to both the parties to plead their respective cases at length. Relevant questions were also asked by the Ombudsman as well as the Advisors, to elicit more information on the issue.

9. During the course of the hearing, the representative of the Appellant, Shri Dinesh Gupta, submitted that while defective meter was changed but the load reduction from 3 KW to 1 KW has not been done and emphasized on compensation for delay and harassment. On the contrary, the Discom submitted that they have not received the Appellant's application duly filled in the prescribed form as per regulations along with relevant documents, to proceed further. It was pointed out that vide e-mail dated 27.12.2023, the Appellant had requested inter-alia for load reduction, apart from compensation for excess billing.

10. Upon discussion with the Officers of the Discom, it was agreed that the Appellant will meet the Officer in their office located at C-2, Block, Keshav Puram on 18.02.2025 at 11 AM along with relevant documents including the chain of property, 'NOC' from the joint owner, photographs and identity proof for submitting of application for load reduction as well as for transfer of connections in the name of Smt. Sapna Gupta.

11. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (a) An e-mail request dated 27.12.2023 was made by the Appellant before Discom for reduction of load from 3 Kw to 1 Kw and to reverse billed amount. No action was taken by the Discom
- (b) On the basis of 4 MDI for consecutive months September, 2023 to December, 2023, the load was enhanced from 3 Kw to 4 Kw, as per Regulation 17(4) of DERC's Supply Code, 2017 and a demand note for Rs.4,500/- as additional security issued.

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18/2

- (c) The CGRF, in its order dated 08.10.2024 held that the MDI does not correspond with consumption of units and, therefore, MDI of meter not accurate and directed to reduce load from 4 Kw to 3 Kw. It was directed that the Appellant has to separately apply for load reduction from 3 Kw to 1 Kw. As per Discom, load stands reduced from 4 Kw to 3 Kw, with credit adjustment of Rs.1,445.12p. security refund paid and meter changed on 16.10.2024. No request has been made by the Appellant for load reduction.
- (d) Electric connection (NDLT) was sanctioned vide CA No. 60019096027 with load 3 Kw on 09.03.2015. Consumption pattern, as per record submitted by Discom has been largely below 100 units and sometimes 200-300 during the various periods from 2015 till 2024. MDI has also been between 1 to 3 most of the times. Taking into account the request made on 04.12.2023, the load can be considered to be reduced to 2 Kw from 3 Kw, since the MDI taken into account by the Discom, has been adjudicated as not relevant due to mismatch with units consumed.
- (e) Action on bill correction has already been taken by the Discom. Only one grievance of load reduction remains. Connection is still in the name of Ms. Sunita Kapoor, w/o Shri Gulshan Kapoor. As per documents submitted, it is clear that the said property was duly assigned rights and liability under agreement by Ms. Sunita Kapoor on 25.12.2017 in dual name of Smt. Sulochna Bansal and Smt. Sapna Gupta. Therefore, before load reduction/name change has to be done in favour of the Appellant, after getting 'NOC' from Smt. Sulochna in the Appellant's name and in compliance with Regulation 17(1) of DERC's Supply Code, 2017.
- (f) It is also a fact that the Appellant has not submitted the requested application on a prescribed format along with documents to start the process of name change and reduction in load

12. In the light of the above, this court directs as under:


- (i) The order passed by the CGRF-TPDDL stands modified.
- (ii) The Discom is directed to consider load reduction from 3KW to 1KW w.e.f. 01.01.2025, after completion of all commercial formalities. The resultant revised bills be prepared for payment by the Appellant.
- (iii) Appellant will meet the concerned Officer in their office located at C-2, Block, Keshav Puram, on 18.02.2025 at 11 AM along with relevant documents including the chain of property, 'NOC' from the joint owner, photographs and identity proof for submitting of application for load reduction as well as for transfer of connection in the name of Smt. Sapna Gupta.

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18/2

- (iv) The Appellant may apply for the transfer of the connection in her name by submitting the prescribed form along with the requisite documents. The Discom shall carry out the transfer and reflect the same in the ensuing bills.
- (v) This case be included by the CEO, as a case study, for guidance of the officers and staff, during training programme for highlighting insensitive conduct by the officials of Discom, which has resulted in undue harassment to consumer and delayed the process
- (vi) Action taken report be shared within four weeks on receipt of the order.

13. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
18.02.2025