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**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/2013/465**

Appeal against the Order dated 08.12.2011 passed by CGRF--  
TPDDL in CG.No.3573/06/11/RHN

In the matter of:

M/s R.K. Amar Shaheed Service Station - Appellant  
(Prop. Ms. Kanchan)

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Manish Makkar, advocate, attended on behalf of the  
appellant

Respondent: Shri K. L. Bhayana – Advisor, Shri Vivek - Sr. Manager  
(Legal) and Shri Ajay Kalsie – Company Secretary  
attended on behalf of the TPDDL

Date of Hearing: 11.09.2012, 04.12.2012

Date of Order : 07.02.2013

**ORDER NO. OMBUDSMAN/2013/465**

This appeal has been preferred by M/s R.K. Amar Shaheed Service Station through its proprietor Ms. Kanchan against the CGRF-TPDDL (Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited) order dated 08.12.2011 regarding impugned bill of Rs.8,68,600/= for the period 09.01.2006 (date of installation of new meter No.0400017666) till 20.02.2007 (date of replacement of meter to ensure matching CT ratio). The use of a Multiplication Factor (MF) of '1' instead of '10/3' is said to have led to higher billing. CGRF did not agree with this contention and directed use of a MF of 10/3.

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The case was fixed for hearing on 12th July, 2012 but was adjourned to 11<sup>th</sup> September, 2012 due to lawyers' strike.

On 11<sup>th</sup> September, 2012, a hearing was held. Advocate of the Appellant claimed that the CT (Current Transformer) ratio had been incorrectly recorded in the Meter Change Protocol Sheets and DISCOM is belatedly claiming a correction in the CT ratio treating it as an 'escaped demand'. The next date of hearing was fixed for 30.10.2012 and TPDDL (DISCOM) was advised to place on record the original Meter Change Protocol Sheets dated 09.01.2006 & 20.02.2007. On request of the Appellant's advocate, the hearing was adjourned to 04.12.2012. Meanwhile, the original Meter Change Protocol Sheets were received and examined.

In the hearing held on 04.12.2012, Appellant wanted time to file written arguments. This was allowed and the case was reserved for orders.

The written arguments have been placed on record on 14.12.2012. The Appellant has reiterated his stand that MF should be '1' instead of '10/3' ever since the meter was installed on 09.01.2006. Further scrutiny and analysis of the Meter Change Protocol Sheets dated 09.01.2006 & 20.02.2007 respectively, shows that the earlier meter (No.0400017666) was having a C.T. ratio of 200/5A and main line CT ratio of 200/5A. Thus, the MF of the readings was '1', as is reflected in the Meter Change Protocol Sheet dated 09.01.2006.

In this very meter protocol sheet for the new meter (No.04NPP21064), of which the MF is disputed, the meter CT ratio has been shown as 60/5A and the

main line CT of 60/5A ratio. Thus, the MF to be applied also comes to '1', as was the case earlier with a meter CT and main line CT ratio of 200/5 each.

Further, the new meter (No.04NPP21064) installed was also checked for accuracy and found to be only - 0.20 % (slow). The initial readings of the parameters of the meter viz. kWh, kVAh and MDI, as recorded in the protocol sheets, show no multiplication factor thus indicating it to be one (1).

Under the circumstances, it can be concluded the meter test accuracy of the meter was done taking the MF reading as one (1) which substantiates the case of the Appellant. However, the inspection report of enforcement dated 27.11.2006 states the meter CT ratio as 60/5 and the meter was found slow by 69.83% on accucheck. The annotation remarks are "*Meter CT ratio found 60/5A, CT ratio written on the meter box found 200/5A. CT ratio confirmed by opening the meter box and removing meter. CT ratio found 200/5A whereas CT ratio of meter is 60/5A.*" This gives a MF of 10/3. The Meter Change Protocol Sheet dated 20.02.2007 further shows "*the CT ratio of the old meter under dispute as 60/5A and line CT ratio as 200/5A and accuracy of - 68.65%.* Annotation remarks are, "*old meter size found 60/5A and meter box found 200/5A so meter changed. Kindly issue the assessment bill as per rule*". This also shows a MF of 10/3.

Thus the earlier report dated 09.01.2006 (with MF of 1) is at variance with the other two reports dated 27.11.2006 and 20.02.2007 of the Respondent (with MF of 10/3).

The initial report dated 09.01.2006 substantiating the MF as one (1) cannot be overlooked in view of the fact that the accuracy of the meter had been checked taking the meter reading MF as one (1). Otherwise, in case of mismatch, the accuracy would have been around 70% slow (due to difference of MF of 10/3 and MF of 1, if the CT of main line had been 200/5). As was observed by the Enforcement Team on 27.11.2006 this was 69.83% slow. Thus, the first change to a MF of 10/3 was available only after 27.11.2006.

Since, it is a matter of conjecture as to when the main line CT was changed to 200/5 ratio, during the intervening period from 09.01.2006 (date of installation) and 27.11.2006 (date of enforcement inspection), we can only go by the first inspection date of 27.11.2006.

There are other arguments of the consumer relating to faulty meter and applicability of legal judgements which are dealt with below.

The first is about an alleged violation of Regulation 52 (viii) of the DERC Regulations, 2007 by the DISCOM regarding testing of meter by a NABL Accredited Laboratory when theft is suspected. This argument of initially suspected theft of electricity booked after the Enforcement inspection on 27.11.2006 (due to slow running of meter by 69.83 %) was dropped as an error in the CT ratio was discovered which accounted for the reported slow running. Hence testing of meter as above was not required. In fact, after the change of the new meter on 09.01.2006 the DISCOM stated it could not update its computer record and the MF continued to be shown as 1 while it should have been corrected by the DISCOM to 10/3. This non-correction of MF resulted into under billing by the DISCOM and into suspected theft of electricity. Thus, on correction



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later on, the balance amount becomes payable by the consumer and there is no need of meter testing by a NABL Accredited Laboratory.

The second argument is regarding failure of the DISCOM to install correct meter as per section 55 of the Electricity Act and Clause 2 (zi) of the DERC Regulation of 2007. The consumers' argument that these have been violated is found incorrect as the facts in the preceding paragraph show. The initial cause of low billing was suspected theft and not a faulty meter. The so-called "slow running" of the meter was found to be connected to the wrong CT ratio and hence the DAE notice was withdrawn. Thus no violation of these clauses is found.

The third argument of the consumer is that in the judgement of Tagore Public School Vs. Punjab State Electricity Board and Anr. by the High Court of Punjab and Haryana in 2009, a technical flaw in the meter, in that case relating to the number of turns of a cable vs. a straight cable, led to a multiplying factor of 5 being shown instead of 15 leading to a higher bill being levied on him was not accepted by the Court. Here also, it is argued, a flaw in the equipment/meter should not make it necessary for him to pay a higher bill. This argument is not applicable in this case. In the present case, the initial diagnosis of slow running of meter by 69.83 % was that there was theft of electricity and then this was traced to a wrong recording of CT ratio in the relevant document. The meter itself was functioning alright at that time. Hence, there was no need to get the meter tested by a laboratory and hence this judgement does not apply in this case.

The final argument of the consumer is that this is not an 'escaped' demand under section 56 (ii) of the Electricity Act, 2003. In this regard, the judgement of the Bombay High Court of 20<sup>th</sup> August, 2009, in the case of M/s Rototex Polyester

& Anr. in which it has been pointed out that any clerical mistake can be corrected at any point of time and the demand raised cannot be held illegal is applicable. The judgment stated, inter alia, that *"in case the consumer is under-billed on account of clerical mistake such as the present case, where the multiplication factor had changed from 500 to 1000, but due to oversight, the department issued bills with 500 as multiplication factor instead of 1000, the bar of limitation cannot be raised by the consumer"*. This is a clear case of a clerical mistake due to wrong recording/feeding of the relevant technical parameters, including CT ratio, and hence the DISCOM can use the correct CT ratio to calculate the amount due and bill the consumer accordingly.

Given the above facts, and given the discovery of a flaw at the time of inspection on 27.11.2006 it will be fair and just and will meet the ends of justice to charge the party with consumption based on a multiplication factor of 10/3 only from 27.11.2006 onwards upto 20.2.2007 when the meter with matching CT ratio of 200/5A making multiplying factor as one was installed. The bills may be revised accordingly.

The appeal is disposed off as above.

(PRADEEP SINGH)  
Ombudsman

February, 2013