

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. 47/2023

(Against the CGRF-TPDDL's order dated 20.10.2023 in C.G No. 86/2023)

IN THE MATTER OF

Shri Neeraj Kumar Gupta

Vs.

Tata Power Delhi Distribution Limited

Present:

Appellant: Shri Neeraj Kumar Gupta along with Shri Ram Gopal Pandey

Respondent: Shri Ajay Joshi, AGM (Legal) and Ms. Astha Malik on behalf of the TPDDL

Date of Hearing: 17.01.2024

Date of Order: 18.01.2024

ORDER

1. Appeal No. 47/2023 has been filed by Shri Neeraj Kumar Gupta, R/o B-2, Shankaracharya Road, Adarash Nagar, Delhi, 110033, on behalf of his mother Smt. Sarjiwan Gutpa, registered consumer of electricity connection bearing CA No. 60020724005, against the CGRF-TPDDL's order as cited above.

2. The background of the case is that the Appellant had got a commercial electricity connection bearing CA No. 60020724005 installed at AG-480, Ground Floor, Sanjay Gandhi Transport Nagar, Delhi – 110042, which recorded a 'zero' consumption/reading since the last seven months due to the shifting of his business. The connection was energized on 11.06.2016 and has a sanctioned load of 6 KW. Although, there was only requirement of a 2 KVA load, but the Discom forcibly enhanced the load from 3 KVA to 6 KVA based on their notice issued on 01.05.2023 taking into account MDI as on 04.07.2022, 04.08.2022 and 05.09.2022 (average 6.5= 6.0) and levied additional differential charges on account of the security deposit and fixed charges in the electricity bill dated 21.06.2023 for Rs.14,650/-. After vigorous follow-up with the Discom, the official (Shri Pankaj) of the Discom visited the premises



for inspection, took photographs of the entire premises, and found no electric equipment except 2-3 tube lights. Further, the Discom issued a bill of Rs.15,600/- on 25.07.2023 (including Rs.13,504/-) along with a disconnection notice dated 25.07.2023, without taking any corrective actions. Subsequently, the Appellant approached the CGRF-TPDDL on 26.07.2023 with a request (a) to take strict action against the Discom, (b) to remove an illegal and unethical demand of Rs.15,600/- and (c) to reduce the sanctioned load to 2 KVA and to penalize Discom with a fine of Rs.1.00 lakh for harassment caused to him.

3. The Appellant also filed a rejoinder on 25.09.2023 before the CGRF stated that though he has regularly paid Rs.1,000/- per month for his current bill, the Discom disconnected his electricity connection on 23.09.2023. Further, the upward Load Enhancement Notice dated 01.05.2023 was received by him on 22.05.2023 through an e-mail. The Appellant also submitted that this notice did not comply with Regulation 17(4)(ii) of DERC's Supply Code, 2017 because it contained only three readings, i.e., 04.07.2023 to 05.09.2023. The Appellant also mentioned data which showed suspicious MDI calculations in the Discom system. The Appellant further submitted that he received a notice from the Discom regarding the unauthorized reconnection of the meter, which was false. However, the Forum had taken a serious note regarding the disconnection of supply, which was restored on their direction.

4. The Discom before the CGRF in its submission dated 23.08.2023 rebutted the allegations made by the Appellant and apprised the Forum that the load has been increased in compliance with the DERC's Regulations only. In response to the Appellant's claim that the notice contains only three readings w.e.f. 04.07.2023 to 05.09.2023, the Discom submitted that the last reading was taken on 31.05.2022. As such, consumption w.e.f. 01.06.2022 to 04.07.2022 and subsequent readings were taken on 04.08.2022 and 05.09.2022, thus covering four months from June to September, even though MDI readings are three. Regarding disconnection, the Discom submitted though the complainant had disputed the adjustment of Rs.13,500/- on account of the enhancement of the load, but after this, he stopped making payments even of the current demands and never sought any stay against the disconnection notice issued on 25.07.2023.

5. The CGRF-TPDDL viewed that the complainant is liable to pay the amount of enhanced security deposit and the difference of SLD charges amounting to Rs.14,090/- within 15 days of the issue of the order dated 20.10.2023, as the action of the Respondent is in line with Regulation 17(4) of the DERC (Supply Code and Performance Standards) Regulations, 2017. The complainant may request for reduction in load as per the provisions of the DERC's Supply Code. Further, the Forum does not find any merit in the contentions of the complainant with regard to compensation and fines for harassment and enhancement of load, respectively.



However, the Forum ordered a compensation of Rs.2,000/- for notice served on account of the unauthorized reconnection of the meter, whereas the supply was reconnected by the Discom itself on the order of the Forum.

6. Not satisfied with the CGRF's order dated 20.10.2023, the Appellant preferred this appeal on the same grounds as before the CGRF, and prayed as mentioned below:

(i) To quash the load enhancement Notice No. 2034020248 dated 01.05.2023 for Rs.14,090/-.

(ii) To remove fixed charges, interest, late fee, SLD charges etc. against Notice No. 2034020248 dated 01.05.2023 with retrospective date, i.e 01.05.2022.

(iii) To award a compensation of Rs.50,000/-(@ Rs.10,000/- x 5 days) for disconnection of the electricity supply at the premises.

(iv) To award a compensation of Rs.5.00 lakh against the illegal notice dated 21.09.2023 issued by the Discom for framing a false case and threatening. Also, quash this unethical/illegal notice dated 21.09.2023.

7. The Respondent, in reply to appeal, submitted their written submission on 20.11.2023, and reiterated their stand as before the CGRF. In addition, the Respondent relied upon Regulation 38(2) of DERC (Supply Code & Performance Standards) Regulations, 2017 – billing cycle for 30 days or 35 days. It was also mentioned that as per Regulation 17(4)(vii) request for any load reduction shall be entertained only after expiry of six months from the date of enhancement of load.

8. The appeal was admitted and fixed for hearing on 17.01.2024. During the hearing, the Appellant was present, in person, and Respondent was represented by its Authorized Representatives. An opportunity was given to both the parties to plead their case at length.

9. During the hearing, the Appellant reiterated its submissions and mainly insisted that (a) there were only three consecutive readings mentioned instead of four in the Discom's 'load enhancement notice', which was not as per the DERC's Regulations, (b) the Discom disconnected the electricity connections on two occasions, i.e. firstly, when the complaint was pending before the CGRF and, secondly, even after depositing of one-third amount before submitting of the appeal in this Court and (c) though the compensation ordered by the CGRF was very less and not acceptable, but the Discom has not released the compensation of Rs.2,000/-, till he filed this appeal. The Appellant further submitted that though the contents mentioned in the Discom's Notice dated



25.07.2023 (page 2 of CGRF file) are system generated, CGRF had taken a very serious view. The Appellant also submitted an application requesting the transfer of the amount into his mother's bank account (Registered Consumer) instead of adjustment in the forthcoming bills, for any compensation/refund. He also maintained that apart from the disputed amount, all regular consumption bills were paid from time to time.

10. Nevertheless, the Respondent submitted that they had considered billing cycles/calendar months for consideration of MDI calculations instead of consumption in any four consecutive months, as per Regulation 17(iv)(ii). With regard to credit of compensation of Rs.2,000/-, the Discom submitted that due to official procedure, it has been credited in the Appellant's bill for the month of January, 2024. Regarding disconnection of electricity supply on two occasions, the Discom submitted that first time it was disconnected as neither the Appellant paid the current bill nor he had requested for stay before the Forum and, secondly, the Discom was not aware of the Appellant filing an appeal before this court.

11. This Court has heard the contentions of both parties and has gone through the appeal and written submission submitted by the respective parties. The relevant provisions of the Regulation were also perused very minutely. It is a fact that apart from the period 04.07.2022 to 07.11.2022, the consumption pattern during the last two years, 2020 till 21.01.2022 has been below 3 KW. The action taken by the Discom would have been in conformity with the provisions of Regulation 17(4) if consecutive highest four-month average was taken into account in place of three consecutive months (04.07.2022 to 05.09.2022) and only 94 days consumption accounted for as against 120 days for four months. It is considered as a violation of the DERC (Supply code and Performance Standards) Regulations, 2017. Moreover, the consequent bills were also incorrect. The Appellant represented against the calculation and accuracy of the bill by writing and by meeting the officers, in person. No action, whatsoever, was taken by the Discom. This constitutes violation of Proviso to Regulation 45 (i) of DERC's Supply Code, 2017. Regulation 17(3)(i)&(vi), also provides that a request for load reduction can be entertained only after six months from the date of the enhancement of the load. Such request for reduction to 2 KVA dated 03.07.2023 submitted to Head (Customer Service), TPDDL, Keshav Puram, is on record. There are no details provided by the Discom on the actual pattern of consumption during January, 2023 till December, 2023.

12. In view of the above, the Court directs as under:

- (i) In the light of provision of Regulation 17(4)(i) of DERC (Supply Code and Performance Standards) Regulations, 2017, taking the highest average of Maximum Demand Readings recorded during four



consecutive calendar month, i.e. from August to November, 2022, which was $(6.7 + 6.9 + 4.3 + 6.0)KW/4 = 5.97$ KW, thus load should be revised as 5 KW w.e.f. 01.07.2023 to 31.12.2023.

- (ii) Load reduction request submitted by the Appellant on 03.07.2023 on the basis of actual consumption pattern during 2023 should be considered and in pursuance of Regulation 17(3)(i) & 17(iv) load be reduced appropriately, w.e.f. 01.01.2024, which will be effective till there is any change in consumption pattern.
- (iii) Accordingly, security differential and corresponding fixed charges should be credited to the Appellant in the in next bill. Discom is directed also not to charge any LPSC/Penalty etc., and waive off the LPSC etc. if already charged.
- (iv) For the harassment suffered by the Appellant on account of inaction on his various representations, disconnections pending consideration of his request and action by the Discom contrary to the provisions of the Regulations, Discom is directed to pay a compensation of Rs.10,000/-. This is required to be adjusted against the future bills.
- (v) It was also observed from the meter downloaded data that on 18.04.2023 and 24.07.2023, meter is showing 0.7 KW MDI, whereas consumption is recorded 'zero'. Therefore, Discom is directed to test the energy meter, and take corrective action accordingly.
- (vi) Action taken report may be submitted within three weeks of receipt of this order.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
18.01.2024