

## 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/2013/533**

Appeal against the Order dated 08.11.2012 passed by CGRF—TPDDL in CG.No.4567/08/12/BDL.

In the matter of:

Shri Lakhmi Chand Jain

- Appellant

## Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Lakhmi Chand Jain was present in person. 13

Respondent: Shri Vivek, Sr. Manager (Legal), Shri Ashish Singh, (Legal Retainer) and Shri Leela Dhar (AG-1) attended on behalf of the TPDDL.

Date of Hearing: 12.02.2013, 27.02.2013.

Date of Order : 19.03.2013

ORDER NO. OMBUDSMAN/2013/533

This appeal has been preferred by the consumer, Sh. Lakhmi Chand Jain, against the order of the CGRF dated 08.11.2012 in which his contention regarding an assessment bill in the name of one Smt. Renu on account of faulty meter was not accepted. The consumer claims himself as beneficiary of this connection.

The complainant had filed his case before the CGRF stating that he had received an assessment bill in the name of Smt. Renu for connection K. No. 44400132651 to the tune of Rs. 7907/- vide

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notification no. 2002540015 for the period 4.10.2011 to 3.4.2012. The respondent submitted that the connection in the name of Smt. Renu was energized on dated 17.5.1998 at B-4/7, Sector-15, Rohini bearing CA No. 60011505561 (K. No. 44400132651) with sanctioned load 3 KW for domestic light. The meter no. 10215331 installed against the connection was replaced on dated 3.4.2012 with meter faulty (damaged) remarks as the meter was not recording consumption from 12.12.2009 onwards. According to him his son (Sh. Sumit Jain) was earlier residing alongwith him at house no. 07. He had shifted to another house bearing no. 71 and, hence, the electricity consumption was lower than before. He alleges that this assessment bill is wrong and is liable to be deleted as the meter had got stuck on a reading of 19499. He contends that the application of an average derived from a previous one year period from (16.12.2008 to 11.12.2009) by the Discom is incorrect.

The Discom filed its reply before CGRF stating that the bill is not excessive as the assessment done by it is according to clause 43 of Regulation, 2007 which lays down the procedure for billing in case of stuck meters not showing reading. In this case the meter was reported faulty and was replaced on 03.04.2012. It challenges the locus standi of the complainant as the connection is in the name of Ms. Renu. The Discom argued that as per clause 46 (i) of the Regulation, 2007, it was the duty of the consumer to report the vacancy in his premises, if any, to the Discom immediately and obtain a no-dues certificate from the licensee but the consumer did not do this and cannot now claim a benefit on this account. The CGRF has found the contention of the

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Discom correct and ordered that no concession can be given to the complainant.

Now the complainant has filed the present appeal in which he has reasserted the contention made before the CGRF and also filed copies of water bills for the relevant period to show that even the water consumption of the premises had declined. The Discom opposed the appeal reasserting its contention made before the CGRF. The Discom also filed a meter replacement report dated 03.04.2012 in which the reading of the old meter was shown as NV (not visible).

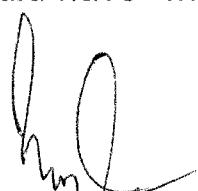
A hearing was held on 27.2.2013 and both the parties were heard. The complainant challenged the average bill on the ground that his son and daughter-in-law had shifted from the house on 21.04.2011. He filed a copy of the rent deed of the new premises of his son w.e.f. 07.03.2010 and a copy of the Aadhar application of his son and daughter in law showing their new address. He also said that for a long time the Discom was sending him the bill showing the head 'Bill Roko'. This, incidentally, is a violation of the format of the bill sanctioned by the DERC and is not correct. Further, there is a difference in billing methods between stuck reading and reading not visible. The Discom did not raise assessment bills when the reading was stuck but only when it disappeared totally thus allowing them to issue average bills for six months. This does not appear to be completely fair. The consumer argues that the reason reading was stuck at 19499 for a long time is that the floor was lying vacant as his son had shifted. To support this, he filed water bills showing lower consumption.



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This lower consumption in the water bills is not convincing enough as to override the assessment made by the Discom. Usually clause 46 is meant to facilitate consumers getting bills immediately if the premises are falling vacant due to end of the tenancy etc. This does not, however, take away the consumers right to enjoy his property according to his will. In the present case there was no tenancy that came to an end as the premises were occupied by his family member. This change does not formally require an intimation u/r 46(i). However, had such an intimation been given it would have overcome the special circumstances of the meter with no visible reading, in this case. In the absence of any intimation to the Discom they have no actual readings available due to a meter defect and, hence, no option but to go by rule 43 (i).

The order of CGRF is upheld and the Discom shall issue the bill as per CGRF order but without any LPSC, as no action was taken by the Discom regarding the meter from 2009 to 2011. Further, for issuing bills with 'Bill Roko' notings, which is not a recognized format, and for not issuing bills when the meter was reported to be stuck, the Discom needs to be answerable. Given the circumstances that the consumer has not received the best, efficient, service that he should have which the Discom should pay him Rs. 2000/-.

  
(PRADEEP SINGH)  
Ombudsman

  
March, 2013

