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Office of the Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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Appeal No. F. ELECT/Ombudsman/2014/601

Appeal against the Order dated 16.07.2013 passed by the CGRF-TPDDL in CG.No.5140/04/13/MDT.

In the matter of:

Shri Triloki Nath - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri V.K. Goel, advocate, attended on behalf of the Appellant.

Respondent: Shri Vivek, Sr. Manager (Legal) attended on behalf of the TPDDL.

Date of Hearing : 25.02.2014

Date of Order : 23.05.2014

FINAL ORDER NO. OMBUDSMAN/2014/601

The Complainant, Shri Triloki Nath, Plot No.28, Block – A, near Maruti Showroom, GTK Ind. Area, Delhi – 110033, has filed an appeal against the order of the Consumer Grievance Redressal Forum - Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 16.07.2013 requesting for modification in the CGRF's order for billing of the defective period of the meter. His request is that this should be on the basis of the consumption from 15.10.2012 to 15.10.2013, as per Clause 43 (i) of the DERC Regulations, 2007, instead of 12.07.2010 to 12.07.2011, as decided in the CGRF's order.

The brief facts of the case are that the Complainant, having one SIP (Small Industrial Power) connection bearing CA No.60008480448 of 20 KW, had approached the CGRF on receipt of an allegedly wrong/exorbitant bill, alongwith the details of assessment notice intimating the charged assessment for the defective period of the meter from 02.10.2012 to 14.10.2012. The base period was wrongly taken by the DISCOM from 01.10.2011 to 01.10.2012 as this includes the defective period also. He had argued that the meter was not displaying reading which he had already informed to the DISCOM on 12.06.2012, 14.08.2012 and 20.10.2012. He asked for revision of bills on the basis of an accurate base period. He also sought the bill to cover the period from 03.06.2012 to 14.10.2012.

The DISCOM in its reply before the CGRF stated that the old meter (no.80001229) installed against the Complainant's connection with a remark "Reading Not Visible" was replaced on 15.10.2012 with a new meter (no.52012094). The old meter was retained at site for further analysis. On inspection of the old meter (no.80001229), no significant anomaly was found logged. Subsequently, the DISCOM revised the bill for the period 02.10.2012 to 14.10.2012 on the above basis.

The CGRF partially accepted the plea of the Complainant. The defective period of his meter has been taken from 12.06.2012 which is the date of first intimation of defective meter lodged by the complainant, to 14.10.2012, the date till which the defective meter was existing at his premises. Further, the CGRF had ordered to assess the bill for the said defective period on the basis of consumption recorded during an earlier period from 12.07.2010 to 12.07.2011. The LPSC amount was withdrawn.

In his appeal before this office, he is aggrieved only by the base period of 12.07.2010 to 12.07.2011 taken by the CGRF for assessment of billing during the relevant period. He contended that as per Regulation 43 (i) of the DERC Supply Code and Performance Standards Regulations, 2007, the base period

should have been twelve months prior to the period during which the meter remained defective and in case where the recorded consumption for such period was not available, or partially available, then the base period should have been the consumption pattern for the next 12 months after installation of a new meter. Since there is no consumption available for the twelve months prior to this, as practically there was no work from July, 2011 to July, 2012 and fresh work was started from June, 2012 consumption would have started to be recorded after that. Therefore, the base period should have been taken from 15.10.2012 to 15.10.2013, after installation of new meter, instead of from 12.07.2010 to 12.07.2011.

The DISCOM filed objections stating that the claim of the Complainant is without any reasonable ground as well as is not based on any principle of law. It is relevant to mention here that the consumption of one complete year was not available after 14.10.2012 at the time of passing of order of CGRF on 16.07.2013 and hence could not have been taken as the base period for the purpose of assessment.

Hearing was held on 25.02.2013. The facts of their cases were put forward by both the parties. The DISCOM wanted time to settle the matter but the Complainant desired that an order be passed.

It may be noted from the records that the Complainant had informed the DISCOM through a letter dated 12.08.2011 that his meter was not in use w.e.f. 01.07.2011 due to non-availability of job work. This is also substantiated by the fact that the consumption recorded in his meter for the period 13.07.2011 to 02.06.2012 is 'NIL'. The Complainant had further informed the DISCOM on 12.06.2012 stating that he had restarted his factory in the last few days but the reading display in his meter was not visible and had requested to rectify this defect. After a number of complaints, his meter was ultimately replaced on 15.10.2012 with a remark of "Reading not Visible". However, on inspection of the old (replaced) meter, no abnormality was observed in the said meter.

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As noted above, the CGRF in its order had ordered to revise the bill of the consumer for the defective period (12.06.2012 to 14.10.2012) on the basis of the consumption recorded in the old meter for the period 12.07.2010 to 12.07.2011. Since consumption for the 12 months prior to the date of the meter becoming defective was not fully available, the CGRF appears to have taken a prior period of the previous year. This is not as per Regulation 43 (i) supra.

Since, the consumption for the 12 months prior to the replacement of defective meter is not available due to intimated non-use, the assessment for the defective period should, therefore, be based on the consumption pattern of the 12 months recorded by the new meter which is now available due to start of his new work. This pattern will best represent his consumption for the defective period and will also be in line with the Regulation. However, the supply of the Complainant was disconnected by the DISCOM from 12.12.2012 to 18.04.2013 so the base period should then be extended so as to exclude this disconnected period. The period could then be from 15.10.2012 to 21.02.2014 so as to work out the average consumption over 12 months. Accordingly his assessment for the defective period 12.06.2012 to 14.10.2012 should be on the basis of the consumption recorded in the new meter for the period 15.10.2012 to 21.02.2014. The bill for the said period be revised accordingly and made available to the complainant within 21 days.

In view of the above facts, the order of the CGRF is modified only to that extent.


(Pradeep Singh)
Ombudsman

23rd May, 2014