

OFFICE OF THE ELECTRICITY OMBUDSMAN
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057
(Telephone No.011-26144979)

Appeal No. 07/2019

(Against the CGRF-TPDDL's order dated 26.02.2019 in C.G. No.13/2019)

IN THE MATTER OF

SHRI RAM KISHORE

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant: Shri Ram Kishore, the Appellant.

Respondent: Shri Harshendu Kumar, Sr. Manager (Legal), Shri Anurag Kumar, Sr. Executive & Ms. Parul Bansal, Asst. Manager, on behalf of TPDDL.

Dates of Hearing: 14.05.2019

Date of Order: 17.05.2019

ORDER

1 The Appeal No. 7/2019 has been filed by Shri Ram Kishore against the CGRF-TPDDL's order dated 26.02.2019 passed in C.G. No.13/2019. The issue concerned in the Appellant's grievance is regarding the refund of amount paid by him on account of enhancement of the load from 4 KW to 6 KW by the Discom (Respondent).

2. In the instant appeal, the Appellant has disputed the amount of Rs.5,200/- deposited by him in July, 2015 on account of enhancement of load from 4 KW to 6 KW by the Discom. The brief background of the case is that the Appellant had paid Rs.5,200/- in July, 2015 against his connection bearing CA No. 60007708690, out of which Rs.1,200/- were charged as Security Deposit and Rs.4,000/- were charged for Service line-cum-Development (SLD) charges by the Discom, on account of enhancement of his load from 4 KW to 6 KW based on the MDI readings of the previous year.

The Appellant has asked for refund of the aforesaid amount of RS.5,200/- w.e.f. 11.07.2015 to 30.06.2018 on the pretext that since the Discom has neither changed the service line nor changed the meter, hence the amount charged from him is not as per the regulations and should be refunded back to him. He has further submitted that load enhancement should have been considered keeping in view of the three such consecutive MDI readings which were higher than the sanctioned load but in the present case only one reading was higher and hence load enhancement from 4 KW to 6 KW



is not in order. The Appellant has also denied the contention of the Discom that the officials of the Discom ever visited his premises for replacement of the meter and service line. The Appellant also submitted that the Discom has refunded an amount of only Rs.2,666/- towards fixed charges after making adjustment from 01.07.2017 to 30.06.2018 instead of Rs.24,196/- from 11.07.2015 to 30.06.2018, and the revised bill should have been processed from July, 2015 onwards since higher MDI reading was recorded only once in the previous year instead of three consecutive higher MDI readings as per the provisions of the regulations. He has further argued that out of Rs.1,200/- deposited as security deposit only Rs.800/- have been refunded to him while reducing his load back from 6 KW to 4 KW in the subsequent year, hence an amount of Rs.400/- is still due to him.

In addition to above, the Appellant has also objected to the format of the notice issued to him regarding the increase of load from 4 KW to 6 KW on the pretext that the same has not been issued on the Standard Proforma prescribed for the purpose. In view of above, the Appellant approached the CGRF wherein his plea was partially accepted and since he was not fully satisfied with the judgement, hence preferred an appeal in this Forum with a prayer to set-aside the CGRF order dated 26.02.2019 and grant of relief with respect to refund/adjustment of additional charges w.e.f. 11.07.2015 to 30.06.2018.

3. The Discom's version of the events is that the electricity connection bearing CA No. 60007708690 is registered in the name of the Appellant at H.No.3, Block -8, Pocket -B, Ashok Vihar, Phase-III, Delhi, for a sanctioned load of 4 KW for domestic supply. It is submitted that on 06.05.2015, the sanctioned load against the said connection was enhanced from 4 KW to 6 KW on the basis of average of three highest recorded MDIs (Maximum Demand Index) in the previous year, as per the DERC' Regulations prevailing at that point of time. Thus accordingly, they had raised the charges of Rs.1,200/- on account of security deposit and Rs.4,000/- on account of SLD charges on 10.06.2015 vide Bill No. 10700033086. Further, the officials of the Discom had visited the Appellant's premises at that time for replacement of the meter and service line but the Appellant refused for getting the same replaced. Discom further submitted that the amount of Rs.4,000/- raised on account of differential SLD charges were completely in conformity with the DERC's Notification No. F.17(44)Engg./DERC/2010-11/CF.2621/5897 dated 20.01.2012 accordingly to which differential SLD charges for movement from one slab to another slab are to be charged from the consumer whose load has to be increased, based on the average of 3 highest MDI readings in the preceding year. Thus the contention of the complainant that the Discom has illegally charged the SLD charges is without any basis and thus refund of the same is not maintainable.

The Discom further submitted that, thereafter on 25.06.2016, the Appellant was asked to give his consent to reduce his sanctioned load from 6 KW to 4 KW as per the DERC's Notification No.F.17(85)/Engg./DERC/15-16/ Part File-2/5178 dated 01.04.2016, on the basis of highest of average of MDI readings recorded as per billing cycle covering four consecutive calendar



months but in the absence of submission of application-cum-consent form by the Appellant the said load reduction could not be carried out. However, during the next year, in response to the second notice dated 12.04.2017, for reduction of load, the Appellant submitted the consent letter on 11.05.2017 against which the sanctioned load was reduced from 6 KW to 4 KW on 01.07.2018 effective from 01.07.2017 in accordance with the provisions of clause 8 of Delhi Electricity Supply Code & Performance Standards (Third Amendment) Regulations, 2016 which clearly states that - "the upwards or downward revision of sanctioned load or contract demand as the case may be, shall be done once in a financial year and shall be made effective from 1st July of the financial year" and in this case applicable date was 01.07.2017 i.e. after the date of receipt of said consent letter. After the reduction of load against the said connection from 6 KW to 4 KW on 01.07.2018 the fixed charges were revised and the Appellant was given the credit of Rs.2,666/- on 21.12.2018 w.e.f. 01.07.2017. Thus, it is submitted that since the benefit of load reduction stands already extended to the Appellant from 01.07.2017, therefore, no prejudice has been caused to the Appellant in this regard.

Further, it is submitted that the Appellant did not press for any other relief except for the refund/adjustment of SLD charges and security deposit before the CGRF and the Discom in compliance to the order of the CGRF has already refunded the SLD charges of Rs.4,000/- and differential security deposit charges of Rs.800/- as a result of revision of load from 6 KW to 4 KW. However, the amount of Rs.24,196/- mentioned by the Appellant is without any fact and hence is liable to be denied. It is pertinent to mention here that the Appellant has already been given a credit of Rs.4,000/- by CGRF in respect of SLD charges which he was otherwise supposed to pay as per the DERC's notification and hence he has no point to prefer this appeal. Since CGRF has already considered all the facts before passing a well reasoned order, it is clear that the Discom has acted in accordance with provisions of law, thus the Appellant is not entitled for any other further relief in the matter. It is, therefore, prayed that the present appeal be dismissed as the same is without any merit and further may be pleased to pass such other and further orders as may deem fit and proper in the facts and circumstances of the case.

4. After hearing both the parties and going through the material on record, it is observed that the basic issue that now prevails is regarding the refund of RS.24,196/- as pleaded by the Appellant instead of Rs.2,666/- which has already been refunded/adjusted by the Discom. All other issues stand settled in the CGRF and the Discom has complied with the same by refunding the SLD charges of RS.4,000/- along with the differential security deposit of Rs.800/- while reducing his load from 6 KW to 4 KW.

However, in order to clarify the things further, it can be observed from the records that the Discom has rightly raised the load from 4 KW to 6 KW after issuing a proper notice, based on the average of the three highest MDI readings recorded during the financial year 2014-15 as per the regulations prevalent at that point of time. Accordingly, the SLD charges and enhanced security deposit charged from the Appellant is in order.



Secondly, the contention of the Appellant that notice has not been issued on the specific proforma is misconceived since there is no proforma specified for issue of notice in the regulations. The purpose of the notice is only to convey all the details to the consumer regarding increase/decrease of the load and other commercial details of the charges enhanced/reduced in the prevalent matter, as the case may be. Hence, the notice issued in the present case by the Discom is perfectly in order and the logic of the Appellant has no basis.

The apprehensions of the Appellant that different procedures have been followed while increasing his load in 2015 and decreasing the same in 2017-18, is again misconceived since the Discom has carried out the load revision as per the extant regulations from time to time, hence, the contention of the Appellant cannot be entertained.

The plea of the Appellant to refund of fixed charges from July, 2015 is not tenable as the Discom has processed the load reduction only after the completion of other formalities and receipt of consent letter in line with the provisions of the regulations. However, regarding the refund of Rs.24,196/- instead of Rs.2,666/- as demanded by the Appellant, he was asked during the hearing to submit the basis of the calculations in reaching the said figure of Rs.24,196/- to which he cited to the revised bill/communication sent to him by the Discom vide which he was informed about the adjustment of fixed charges of Rs.2,666/- for the period from 01.07.2017 to 30.06.2018. He submitted that he has calculated this figure from that revised bill only. After perusal of the record and submissions made by the Discom, it is quite evident that the entry of Rs.2,666/- as shown in the revised bill/communication is the only relevant entry wherein adjustment of amount of Rs.2,666/- has been reflected and rest of the figures shown are pertaining to the energy charges, which should not have been printed in the communication and has nothing to do with the fixed charges relevant in the present case. Hence, the Appellant has wrongly interpreted the calculations of the revised bill/communication sent to him by the Discom and the refund of Rs.2,666/- on account of load reduction for the period 01.07.2017 to 30.06.2018, is in order.

In view of the above, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.


(S.C. Vashishta)
Electricity Ombudsman
17.05.2019