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Office of 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/2006/91

Appeal against Order dated 24.03.2006 passed by CGRF – BRPL on
Complaint No.: CG24/2006 (K.No. 2521 G 5080137).

In the matter of:

Lt. Col. R.S. Dahiya (Retd.)

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant Lt. Col. R.S. Dahiya (Retd.)

Respondent Shri A.K. Tyagi, Business Manager Officer on behalf of
BRPL.

Date of Hearing : 13.07.2006

Date of Order : 19.07.2006

ORDER NO. OMBUDSMAN/2006/91

The Appellant has filed appeal against CGRF-BRPL's order dated 24.3.2006. He has raised the following issues before the Ombudsman:-

- (1) OK meter was replaced on 11.6.2005 without his consent / notice to the Appellant;
- (2) Meter testing done by BSES is faulty;
- (3) For the last 12 months, inflated bills are being sent to him and no action is taken by the Respondent to resolve the issue;
- (4) Timely action is not taken as per CGRF's orders;
- (5) BSES is not replacing defective meter with L&T make meter; and
- (6) Compensation for harassment faced by the Appellant.

Mr. Rambar

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After scrutiny of the records of the CGRF and the contents of the appeal, the case was fixed for hearing for 13.07.06.

Lt. Col. R.S. Dahiya (Retd.) the appellant attended in person. Shri A.K. Tyagi, Business Manager attended on behalf of BRPL.

All the above issues raised in the appeal were discussed during the hearing as under:-

- (1) To the Appellant's grievance that OK meter was replaced without his consent / notice to the Appellant, Business Manager informed that old electro mechanical meters were replaced with electronic meters in a phased manner as per policy of the company. Appellant was also apprised with the judgment of the Hon'ble Delhi High Court in the case of "Suresh Jindal v. BSES Rajdhani Power Ltd. wherein it was held that respondent has the power to replace the existing meter not determined as faulty meter with a view to improving the quality of equipment and making the same more dependable and tamper proof. The appellant was further informed that the Accelerated Power Development Reform Programme APDRP requires (for better monitoring and management of electricity) shifting to a computerized regime. Electronic meters have a memory system. They can be read directly through instruments, data downloaded and fed directly into a computer. It rules out human errors. The Delhi High Court in the Case of Jindal v BSES Rajdhani power Ltd referred to an observation of the Karnataka High court reported as Air 1988 Karnataka 369, Peenya Industries Association v Karnataka state Electricity Board wherein it was held that "Obligation to provide and maintain a correct meter carry with it, a Right to change the metering equipment also, not only in situation where the earlier installed meter is found to be working unsatisfactorily but also where the Board considers necessary to so do with a view to improving the quality of equipment and making the same more dependable and tamper proof."

Thus it is evident that the licensee was within his Right to change the appellant's meter even while the latter was working satisfactorily.

- (2) Regarding the other grievance of the appellant that meter testing done by BSES is faulty as different results have been shown, Business Manager informed that the new meter was tested on 21.7.2005 (consequent to the appellant's complaint) when it was found 0.46% fast and second time it was tested

as per CGRF's orders on 20.4.2006 by an independent agency – Electronic Research Development Association (ERDA) when it was found 0.90% fast. Appellant insisted that he is not satisfied with the results of the tests and all his previous bills be revised based on meter testing reports. Appellant was apprised of Section 57 (I) of the Indian Electricity Rules, 1956, which provide that any meter placed on the consumer's premises in accordance with section 56 shall be of appropriate capacity and **shall be deemed to be correct if its limits of error do not exceed 3% above or below absolute accuracy.**

Since the meter **test results are within 3% of absolute accuracy, as such meter is deemed to be OK and bill revision is not called for.**

- (3) Appellant further stated that he is not satisfied with the Chinese make meter and insisted that BSES may install L&T or Havel make meter. Business Manager informed that BSES has purchased Electronic meters conforming to BIS standards and the consumer's meter has been tested twice and found within prescribed accuracy limits; as such there is no need to change the meter. In this regard Appellant was apprised with the provisions of Delhi Electricity Regulatory Commission (Performance Standards – Metering and Billing) Regulations 2002. Regulation 17 (ii) provides that in case of new connection / replacement of meter, the consumer in accordance with Section 26 of the Electricity Act **may himself procure the meter either from the vendor certified by the licensee or conforming to licensee's technical specifications.** The licensee shall calibrate such meter at consumer's cost and seal the meter. In case the Appellant is not satisfied with the BSES meter, he may procure his own meter as per DERC regulation.
- (4) During deliberations Appellant insisted for getting relief by way of revision of bills based on past consumption and installation of meter of his own choice by BSES even though on testing the meter twice by different agencies, the accuracy of meter was found within the prescribed limits.

He was explained that based on the test results of the meter as mentioned above, revision of bills as asked for by the appellant is not called for. Also in view of 17(ii) of the DERC Regulations the Licensee Company is not required to replace the existing electronic meter to a meter of the appellant's

choice. The appellant is at liberty to purchase it while conforming to the DERC guidelines as mentioned above

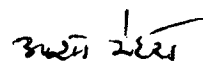
- (5) Lastly Appellant insisted that BSES has not taken timely action to comply with the CGRF's orders. Business Manager informed that as per CGRF's order dated 24.3.2006 the meter was to be tested within 21 days through an independent agency. Necessary action for testing the meter was taken on 20.4.2006 as such there is no abnormal delay.

Since licensee has complied with the orders of the CGRF within a month, it cannot be construed as delay in implementing the orders of the CGRF.

- (6) From the above it is evident that there is no justification for award of any compensation as prayed for by the appellant in his appeal.

There is no merit in the contentions of the appellant. His appeal is rejected.

The order of the CGRF is upheld, and does not call for any interference.


(Asha Mehra)
Ombudsman