

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-cum-Fax No.: 011-26141205)

Appeal No. 08/2018

IN THE MATTER OF:

Shri Akshay Kumar Malhotra - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 15.02.2018 passed by CGRF- TPDDL in CG No.
7837/12/17/SMB)

Present:

Appellant: Shri Akshay Kumar Malhotra

Respondent: Shri Harshendu Kumar, Senior Manager (Legal), Shri Vinod Kumar, Sr. Officer and Shri Sant Ram Pawas, Sr. Officer on behalf of TPDDL

Date of Hearing: 18.04.2018

Date of Order: 26.04.2018

ORDER

1. This appeal has been filed by Shri Akshay Kumar Malhotra, r/o AC-179/A, Shalimar Bagh, Delhi – 110088 against the verdict of the Consumer Grievance Redressal Forum–Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) cited above. His complaint before the Forum revolved around what he felt was an incorrect Maximum Demand Indicator (MDI) reading with his request for a correction not having been resolved, hence, this appeal.

2. The background, in brief, is the Appellant's claim that incorrect MDI readings have been reflected in two consecutive bills between January and April, 2017 and which have not been resolved despite his complaint of 05.03.2017 that the error be corrected by adopting the correct procedure laid down by the DERC. In the present case, he has submitted a complaint dated 05.03.2018 giving a detailed exposition of his interactions with the Discom and faulting the verdicts of the CGRF which had not been in his favour. More specifically, he has claimed that the incorrect MDI reading was due to a fault in the meter itself and that the testing procedure conducted by the Discom was "a sham as proper and calibrated instruments were not used to check the meter", that the outcome of the test procedure was "garbage in garbage out" and furthermore that the exercise was "a cover up only without any intent to resolve the complaint logically". He has also alleged that the electric heater used by the Discom to run a resistance check was "badly dismantled and full of rust" and that the Discom had not shown him the calibration report of the instrument they were using to check the accuracy of his meter. The Appellant has also levelled a series of allegations against the CGRF saying that they have not found it "appropriate to look into facts they overlooked earlier" adding that although the name of the Forum suggests that it is for safeguarding the interests of consumers, his experience suggests that the credibility of the Forum stands compromised and the institution destroyed and that they are biased in favour of the Discom for reasons best known to them.

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3. In its response, the Discom has stated that the Appellant's complaint was attended to and the meter checked on 14.03.2017 within stipulated time frame prescribed by the DERC with the MDI readings found to be correct. They have also denied that they visited the site for the check only after 62 days. Regarding the details of the test procedure adopted, the Discom has submitted that the testing protocol contains all necessary details including the technical parameters of the testing instrument with its calibration certificate. The Discom has also stated that the heater used for the resistive check of the meter was in full working order and have categorically denied that it was "badly dismantled" or "full of rust" as alleged by the Appellant. Furthermore, the meter testing team had to visit the Appellant's premises several times as the latter had not being cooperative. The final outcome of the meter test showed that it was operating within limits and that there was nothing wrong with the MDI readings as registered.

4. Having heard the depositions of both parties and considered the material on record, I am inclined to find that the Appellant has not been able to establish with certainty that the MDI readings were indeed inaccurate, that the meter test procedure was defective or that he is entitled to a compensation for deficiencies in service. While his complaint before the CGRF revolved around the issue of MDI readings, his focus during the hearing before the undersigned focused to a large extent on disputing practically every aspect of the test protocol used by the Discom. His summarising statement that "as a consumer, I say the MDI is incorrect" (sic) and that he is not satisfied with the test procedure are subjective statements which do not automatically invalidate the test procedures followed by the Discom. The details of the meter test protocols conducted through the connection of a 2 KW resistive load and using a certified and calibrated tester were explained in detail by the Discom during the hearing (as well as in writing) and found credible by the Advisor (Engineering) in this Appellate Authority who is a qualified technical professional.

5. In summary, the Appellant has had issues with practically everything - alleging that the CGRF has been biased in favour of the Discom for reasons best known to them, finding fault with the Forum's verdict, finding fault with his meter's MDI readings, finding fault with the test procedure, finding fault with the equipment used, finding fault with the way it was conducted and finding fault with the manner in which the Discom dealt with his complaints. It is relevant to note that he had levelled similar allegations against the CGRF in an earlier appeal (775/2017) before the Ombudsman wherein it had been observed that the imputations were out of context, unsupported and not germane to the issue at hand. A similar observation is attracted here. Consumer complaints necessarily have to fulfil the test of plausibility too which is absent in this case with the allegations not having been substantiated beyond doubt.

This appeal is, therefore, declined as being without merit.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
26.04.2018