

## **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.775/2017**

#### **IN THE MATTER OF:**

Shri Akshay Kumar Malhotra - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 30.01.2017 passed by CGRF- TPDDL in CG No.  
7547/12/16/SMB)

#### **Present:**

Appellant: 1. Shri Akshay Kumar Malhotra

Respondent: 1. Shri Vivek, Senior Manager (Legal) &  
2. Shri Arvind Kumar, Manager on behalf of TPDDL.

Date of Hearing: 23.03.2017

Date of Order: 27.03.2017

### **ORDER**

1. Appeal No. 775/2017 has been filed by Shri Akshay Kumar Malhotra of AC-179/A, Shalimar Bagh, Delhi-110088 against CGRF-TPDDL's order in CG No. 7547/12/16/SMB dated 30.01.2017.

2. The brief background is that the Appellant had approached the Discom (Respondent) on 29.11.2016 complaining of an incorrect recording by the Maximum Demand Indicator (MDI) in his electricity meter which was reflected in his bill for the period 17.10.2016 to 21.11.2016. He has further alleged that his complaint was not attended to properly by the Discom despite his pursuing the matter vigorously, thereby constraining him to approach the CGRF-TPDDL for redress. Although his main complaint regarding the incorrect MDI reading has been resolved, his demand for a monetary award of Rs. 5,000/- as compensation for the efforts and time expended by him and the attendant "mental agony" suffered have not been acceded to by the CGRF. His present demand, therefore, is for the compensation he had sought before the CGRF to be granted and its enhancement to Rs.10,000/-.





3. The Discom's response is the same as the one they had submitted before the CGRF, namely that the Appellant's meter had turned faulty on account of a Real Time Clock (RTC) failure on 22.12.2016 with the meter being replaced on 04.01.2017. According to the Discom, they have acted on the complaint of the complainant promptly enough and resolved the issue within the time limits prescribed by the DERC's Supply Code & Performance Standards Regulations, 2007 and, therefore, the question of compensation has been correctly declined by the CGRF.

4. I have gone through the material on record and heard both the parties. The genesis of the issue goes back to the issue of the bill for the period 17.10.2016 to 21.11.2016 based on incorrect MDI readings. The trail of e-mails exchanged between the Appellant and the Discom clearly reveals that the Discom continued to insist that the MDI readings were correct and initially did not accept that there was a fault, resulting in the Appellant approaching the CGRF. Finally, on 04.01.2017, the Discom replaced the meter with the remarks "MDI corrupt" on account of an "RTC failure". The Discom's action in declining to initially accept that there was a fault in the meter before finally admitting it speaks of a disconnect in the manner in which it has addressed a consumer's grievance. They could have easily carried out the necessary technical checks to establish whether the meter was functioning properly or not the moment the Appellant notified that there was an issue with it instead of persisting with denials. The mere fact that the Appellant's grievance had eventually been attended to within the time frame prescribed by the Code mentioned in paragraph 3 above is not a sufficient defence unto itself for papering over a patent deficiency in their consumer grievance redressal mechanism.

5. The core issue in the present appeal reduces to one of a demand by the Appellant for a monetary compensation – which had been turned down in the first instance by the CGRF – and its enhancement to Rs. 10,000/- in place of the Rs 5,000/- sought by him earlier. It is not possible to audit and monetize the gravity and quantum of harassment/mental agony on the basis of which the enhancement has been sought or even to attempt to establish benchmarks in this regard. Neither is it possible to go into the details of how much compensation is justified or not or the mechanics of determining its reasonableness as any such exercise would necessarily be an arbitrary in nature with its attendant implications. To this extent, the CGRF is perfectly correct in observing that it is not possible to understand the basis on which the Appellant had arrived at a figure of Rs. 5,000/- before the Forum.

6. At the same time, a plain reading of the timeline of interactions between the Appellant and the Discom conveys the clear impression that the Discom could have certainly demonstrated a greater degree of responsiveness in attending to the complaint which they obviously did not. A concurrent observation is that the Appellant could have been more diplomatic in the tone of his communications.

7. Although I am of the considered opinion that no case for a compensation, enhanced or otherwise is made out, the ends of justice will be more than adequately met if a symbolic compensation of Rs. 2,500/- is awarded to the Appellant, not so much as a direct monetary reimbursement for "mental agony" allegedly suffered by him but more as a message to the Discom that there are evident deficiencies in their customer interface procedures and mechanisms which need to be attended to with the importance they warrant. The verdict of the CGRF is, accordingly, amended to the extent of the award of this compensation.

*Prasanna*



8. It is not deemed necessary to go into the other allegations levelled by the Appellant which include, inter alia, comments on the quality of the service rendered by some courier agency engaged by the CGRF and the inappropriate comment that the "CGRF is an arm of TPDDL" and that the Forum's members are employed and engaged by TPDDL as also the demand that disciplinary action be taken "against the concerned for their fault" and "action as per licensing agreement against TPDDL" etc. Apart from being out of context and not germane to the core issue of the appeal, these are not issues which lie within the remit of the Ombudsman.

The appeal stands disposed off accordingly.

  
  
**(Sundaram Krishna)**  
**Ombudsman**  
**27.03.2017**