

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.771/2017

IN THE MATTER OF:

Shri Jitu Burman - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 15.12.2016 passed by CGRF- BRPL in CG No. 115/2016)

Present:

Appellant: Shri Jitu Burman

Respondent: Shri Sanjay Bhagat, DGM (B), Shri Salauddin, DGM (F),
Shri Aruj Mathur, Manager (Legal) and Shri Deepak
Pathak, Advocate on behalf of BSES - BRPL

Date of Hearing: 23.02.2017

Date of Order: 01.03.2017

ORDER

1. Appeal No. 771/2017 has been filed by Shri Jitu Burman, c/o Shri Sushil Kumar Sahu, Q-1 (Old No. D-7), 2nd Floor, Srinivaspuri Private Colony, New Delhi – 110065 against CGRF-BRPL's order of 15.12.2016 in CG No. 115/2016.

2. The Appellant's grievance revolves around what he feels is an inflated bill served by the Discom (Respondent) for the period April to August, 2016 despite an incorrectly higher consumption having been recorded by the meter installed at his residence which he claims was malfunctioning. According to him, he and his family were also away for 18 days from 23.04.2016 to 10.05.2016 which would mean that the consumption readings during this period should have been very low. After the meter was replaced on 11.08.2016, credible consumption level readings started. He has also claimed that on the day of replacement of the meter, the Discom's official had said that the meter was burnt internally but this fact has been deliberately suppressed by the Discom in its records. His appeal for the correction of his bill has not been accepted by the CGRF.

3. For its part, the Discom has reiterated its position that the Appellant's meter was tested at his own request on 03.08.2016 when its accuracy was found to be

Sushil



within acceptable parameters with the test having been conducted in the presence of the registered consumer who signed the test report in token of acceptance. The Discom has further stated that the meter was not found to be burnt and that the existing meter, which was of an older model, had been replaced as per routine company policy with a newer model which permitted downloading of consumption data.

4. I have heard both the parties and gone through the material on record. Two basic issues emerged – the Appellant’s claim that the meter in question was defective and recording higher consumption levels than normal and, secondly, the service of a bill based on these allegedly inflated readings. As regards the validity of the meter readings, the test report brought on record by the Discom clearly indicates that its parameters were found to be within permissible limits with no indication of any abnormality or evidence of it having got burnt. The meter was also tested in the presence of the registered consumer, Shri Sushil Kumar, who signed the report in token of his acceptance. Reliance can only be placed, by all conventional standards of jurisprudence, on the written technical test report and not, as claimed by the Appellant, on a casual verbal remark by some official that it was burnt. The Appellant also argued during the hearing that the meter in question was “old” and, therefore, working below par. The Discom has pointed out, in response, that meters are generally replaced after 10 years of use with the present meter having been replaced after 11 years. The line of reasoning adopted by the Appellant cannot be considered valid as the age of the meter does not automatically translate into a sub-optimal performance and which can only be established through a technical test which, in this case, did not bring out any defects. The meter, accordingly, has to be taken as functioning normally as certified by the laboratory test. Had the consumer harboured any doubts about the validity and manner of the test conducted, he could be disputed its findings and demanded a third-party test to which he was entitled to under law.

5. Given that the laboratory test has certified the meter as operating within acceptable tolerance levels in this case, the Appellant’s contention that the consumption levels recorded during the period April to August, 2016 have been high despite his absence for almost three weeks from his residence is not tenable. Variations in consumption levels can be due to any number of factors and would necessitate attention only if there are significantly abnormal variations attributable to a malfunctioning or defective meter, something which would have to be established through a technical laboratory test. This being not so in the present case, the readings and consequently the billing raised by the Discom have to be taken as correct and payable by the consumer.

No interference with the verdict of the CGRF is warranted and the appeal stands disposed off accordingly.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
01.03.2017