

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. 09/2018

IN THE MATTER OF:

Smt. Meena Kukreja - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 28.12.2017 passed by CGRF- BRPL in CG No. 40/2017)

Present:

Appellant: Shri Manoj Banka, Authorized Representative

Respondent: Shri Deepak Pathak, Advocate, Ms. Sheevanee Banerjee, DGM, Shri Sundra Pandiyan, C.O., on behalf of BRPL

Date of Hearing: 18.04.2018

Date of Order: 24.04.2018

ORDER

1. Appeal No. 9/2018 has been filed by Smt. Meena Kukreja, w/o Shri Avtar Kukreja, R/o F-24 (GF), Kalkaji, New Delhi-110019 against the verdict of CGRF-BRPL cited above.

2. The background to this appeal arises from the Appellant's representation against what she claims is a bill which has been unfairly foisted onto her by the Discom (Respondent) and which relates to a meter of which she has no knowledge. Her contention was not accepted by the CGRF which held her liable to pay the bill, hence this appeal. A brief history of the case reveals that the Appellant had purchased the ground floor of her property in April, 2011, applying for and getting an electricity connection in the November of that year (CA No.xxx 2183) whose bills were being paid as and when raised till March, 2015. According to her, she was served with a bill for about 6.25 lakhs against a connection (CA No.xxx 4239) which she claims did not pertain to her. She was subsequently served with another bill in December, 2015 for about 6.29 lakhs against her sanctioned connection which was disconnected the next month for non-payment. This prompted her to approach the Hon'ble High Court which directed reconnection upon payment of 20% of the disputed bill and current charges and further directing that she approach the CGRF for a remedy. The Forum, however, did not uphold her claim.

3. The Discom, in its response, has provided the background against which the disputed amount was transferred to her name. Following the purchase of the property by the Appellant, some dispute arose between her and another party resulting in a complaint before the police. The police authorities sought information on the electricity connections in the property as part of their investigations. A site inspection carried out by the Discom on 17.12.2014 in compliance revealed the presence of another meter in addition to four meters already installed. This fifth meter, which was live and supplying electricity to the ground floor, was found to simply not exist in the Discom's records as a result of which no bills had ever been raised against its readings. An investigation by the Discom revealed that this meter dated back to the time when the electricity distribution service was being handled by the erstwhile Delhi Vidyut Board (DVB) and carried a purchase date of August, 1999. When the Discom took over this service following privatization, the voluminous data pertaining to all consumers and meters was transferred to the Discom's computer records. Due to some oversight/error during this process of data migration, this particular meter was overlooked




and never registered in the Discom's records till it was discovered through a physical site check carried out on the direction of the police authorities. Once the meter was discovered, it was not only found to be live and feeding the ground floor of the Appellant's premises but had been recording consumption all the while with a total reading of 93,194 units from April, 2000 till the date of the inspection in December, 2014. The Discom treated this as a case of escaped billing and issued a bill to the Appellant for the consumption of 78,953 units after subtracting 14,241 units which pertained to the DVB period and whose recovery is debarred by law.

4. I have heard both the parties and considered the material on record. The Appellant's representative, who argued the case on her behalf, took the position that the impugned bill pertained to a meter whose provenance was not known and that the Discom had falsely raised a reading against it and imposed it on his client. Insisting that legitimate bills raised against his client's connection have been paid regularly, he termed the bill of arrears raised by the Discom as "totally fabricated and false". He further alleged that the disconnection of his client's supply had been done without any notice. On the subject of why readings against the Appellant's sanctioned connection (bearing CA No.xxx 2183) had shown a sudden increase following the discovery of the fifth meter – which, in fact, had been found to be feeding his client's premises on the ground floor – his response was his client cannot be told by the Discom how much to consume or not and that it was up to her not to use electricity if she chose not to.

5. The Discom has countered this by pointing out that it is a clear case of escaped billing with the meter not having been punched into the Discom's computer records and being discovered in December, 2014 only as a by product of a directive from the police authorities in connection with another issue. Once it was discovered, the meter was also found to be feeding the ground floor – in other words, the Appellant had been using electricity from "missing" meter all the while with her sanctioned connection registering practically no consumption at two units only since it was not being used. The moment the "missing" meter was discovered in December, 2014, consumption against her sanctioned connection started registering a spurt to over 11,000 units in the subsequent year. The Discom, accordingly, transferred the dues against this meter to her live connection in accordance with regulations and after having rectified the bill to exclude the DVB period and estimating the consumption used from the "missing" meter between 2011 and 2014 - the period between the sanction of a connection to the Appellant after her purchase of the property and the discovery of the meter.

6. In the final analysis, all the circumstances surrounding this case, taken together, clearly point to a situation where there has been a conscious and deliberate use of electricity from a meter against which bills were not being issued. It is difficult to believe that the Appellant was totally unaware of the presence of the "missing" meter, particularly when consumption was being recorded against it while her sanctioned connection record an absolutely minimal consumption of just a few units. The mere argument that the premises were vacant and, therefore, not registering any consumption, has not been substantiated in any fashion and it is up to the Appellant to prove beyond doubt that there was absolutely no activity on the premises which consumed electricity. Furthermore, the argument that a consumer has the freedom to consume electricity or not as per his/her choice can best be described as frivolous. Difficult to overlook is also the fact that the Appellant's consumption of electricity spiked substantially only after the discovery of the "missing" meter. After factoring in all the data on record and the arguments adduced by the parties, I am of the considered view that the Appellant's case - that the Discom has fabricated a bill of arrears pertaining to a meter of which she has no knowledge and falsely offloaded it on her – is not sustainable at all and that it is a clear case of escaped billing with the Appellant liable to pay the dues which have been served on her.

No interference with the verdict of the CGRF is, therefore, called for and the appeal stands disposed off accordingly.


(Sundaram Krishna)
Ombudsman
24.04.2018