

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. 06/2018

IN THE MATTER OF:

Smt. Santosh Devi - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 09.11.2017 passed by CGRF- BRPL in CG No. 32/2017)

Present:

Appellant: Shri Pankaj Chhiler, Authorized Representative

Respondent: Shri Deepak Pathak, Advocate, and Shri Anil Kumar Rustogi,
General Manager, on behalf of BRPL

Date of Hearing: 20.04.2018

Date of Order: 23.04.2018

ORDER

1. Appeal No. 6/2018 has been filed by Smt. Santosh Devi, R/o B-5, Amanpuri Extension, Mansa Ram Hospital, Main Najafgarh Road, Nangloi, Delhi-110041 against the verdict of CGRF-BRPL cited above.

2. The background to this appeal arises from the Appellant's representation against what she feels is an inflated bill of about 1.70 lakhs for the period 28.08.2015 to 29.09.2015 against her non-domestic connection with a sanctioned load of 32 KW installed at Mansa Ram Hospital. In response to her complaint, the meter had been tested by the Discom on 14.12.2015 with error parameters being within permissible limits. She holds that although she was not satisfied with the testing procedure, the Discom did not conduct re-test. Subsequently, however, a check meter was installed on 07.04.2017 after she had approached the CGRF on the latter's direction. The Discom issued a bill clubbing the readings of both the main and check meters which they later corrected, admitting to a clerical mistake. On 30.06.2017, second check meter was installed parallel with the main meter getting burnt on 26.07.2017 and being replaced with a new one about a week later on 03.08.2017. The readings of the meters were disputed by the Appellant resulting in the CGRF going into the history of consumption (since the burning of the main meter rendered the check meter reading exercise futile) and finding that the seven-years consumption data chart showed increased consumption during June to September every year with the highest readings being in the month of the September for four consecutive years from 2013 to 2016. Given this background, the CGRF did not find merit in the Appellant's argument that her consumption of electricity during the period of one month under dispute (28.08.2015 to 29.09.2015) was less, thereby resulting in her filing this appeal.

3. In its response, the Discom has outlined the history of the case as presented before the CGRF and the results of the check meter exercise whose results were not conclusive inasmuch as one phase was not connected resulting in a lower consumption reading. A second check meter was, therefore, installed but before its readings could be

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matched with that of the disputed meter, the latter meter suffered an "abnormal" burn out with the Forum having to resort to historical consumption data to determine whether the bill served for the period under dispute was reasonable or not. It is not considered necessary here to go into all the innumerable details of the installation of the check meters and the exercise which was gone through, and which is a matter of record, before the Forum found in favour of the Discom, holding the Appellant liable to pay the bill.

4. I have heard both parties and considered all the material on record carefully. The entire thrust of the arguments expounded by the Appellant's counsel during the hearing has only focused on attempting to pick holes/deficiencies in the inspection process carried out by the Discom coupled with the allegation that the Discom's reports have been fabricated and fudged to mislead the CGRF, that the inspection report has been substituted by the Discom and that, furthermore, the Discom had tampered with the meter after which it got burnt. According to the counsel, the Discom is also guilty of having made material alternations to the data shown to the CGRF and that they have acted in a "shady manner", fabricated wrong inspection slips and made contradictory submissions before the CGRF. The Discom has also been accused of not having sealed the meter when it was taking for testing with readings not being fully presented to the CGRF and to have led false evidence before the Forum. In short, the Appellant's counsel has attempted to find faults with practically every aspect of the meter testing exercise - including the manner in which the main meter was sealed in a gunny bag and numbered - in order to try to establish his thesis that the Discom has acted with ulterior motives towards the Appellant.

5. In its defence, the Discom has pointed out that it is a commercial entity which has been and is in the business of supply electricity to over ten lakh consumers and that they are not engaged in pursuing any vendetta against individual consumers. According to the Discom's counsel, the Appellant is now attempting to improvise a fresh case by bringing up pleadings which were never raised by them before the CGRF in the first place and which include allegations that the Discom has manipulated and fabricated meter reading data to mislead the CGRF. In response to some of the specific allegations levelled by the Appellant's counsel, the Discom has admitted that it was an oversight on their part which resulted in the non-functioning of one of the phases not being discovered in time and necessitating installation of a second check meter. Again, the original meter had got "abnormally burnt" in situ on the premises where it was installed which indicated that some event on the premises itself could have possibly triggered it. According to them, the CGRF has taken all technical parameters into consideration including historical consumption data before reaching its verdict.

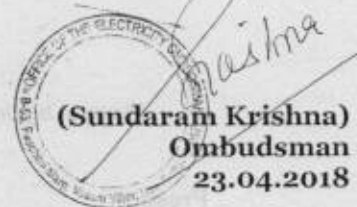
6. The Appellant's counsel's counter-response to the Discom's submissions was that they have already indicated in the test report that they were not satisfied with it, repeating that the Discom had led false evidence before the CGRF. Regarding the allegation that the Discom had intentionally tampered with the meter before it got burnt, the Appellant's counsel was specifically asked to substantiate the basis of his accusation and the evidence on which it was based. The counsel then withdrew his statement as he could not substantiate it. The counsel was also asked whether he was aware that fresh issues, which included his conspiracy theory not raised before the CGRF, could be brought up at the Appellate stage. No plausible response was provided by him.

7. The depositions of the Appellant's counsel and the unsubstantiated allegations advanced by him border on the preposterous to say the least and, if they are to be believed, the Discom has precious little else to do except to engage in a single-minded persecution of the Appellant and that, in pursuance of that objective, has engaged in an elaborate conspiracy to fabricate and falsify data to mislead the CGRF. The Appellant's counsel has also deviated from the main issue under appeal and has failed to understand that the Ombudsman's remit is limited to a review of the verdict passed by the CGRF on 09.11.2017 in the context of the issues raised therein - i.e. the correctness and basis of

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the bill served on by the Discom. On the basis of the evidence adduced and the arguments advanced, it is not possible to fault either the CGRF or the Discom in my considered opinion.

In the final analysis, no interference with the verdict of the CGRF is called for except to the extent that, given the fact that the meter was recording a higher consumption level by 5.2% as evidence by the check meter, the Appellant may be granted a relief to this extent on the bill dated 12.10.2015 for the period 28.08.2015 to 29.09.2015 (32 days) which was the period agitated by him in the initial stages before the CGRF. Rest of the appeal stands dismissed as being devoid of merit.



ORDER

Aggrieved by the order of the CGRF dated 12.10.2015, the Appellant has filed an appeal before me. The appeal is filed against the order of the CGRF dated 12.10.2015.

The Appellant has submitted that the Discom has not been able to produce any documentary evidence to prove that the meter was recording a higher consumption level by 5.2% as evidence by the check meter. The Appellant has submitted that the Discom has not been able to produce any documentary evidence to prove that the meter was recording a higher consumption level by 5.2% as evidence by the check meter.

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I have heard both the parties and perused the material on record. It is a matter of record that the Discom has not been able to produce any documentary evidence to prove that the meter was recording a higher consumption level by 5.2% as evidence by the check meter.