

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. 05/2018

IN THE MATTER OF:

Shri Saurabh Pruthi - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 09.01.2018 passed by CGRF- TPDDL in CG No.

7625/04/17/NRL)

Present:

Appellant: Shri B.P. Agarwal, Advocate on behalf of the Appellant

Respondent: Shri Harshendu Kumar, Senior Manager (Legal) and Shri Chiranji Taneja, Manager and Ms. Diksha Goyal, Sr. Ex. on behalf of TPDDL

Date of Hearing: 13.04.2018

Date of Order: 25.04.2018

ORDER

1. This appeal has been filed by Shri Saurabh Pruthi, the user/tenant of an electricity connection (CA No. xxxx4730) registered in the name of Shri Darshan Kumar, and installed at Plot G-978, DSIDC Industrial Area, Narela, Delhi, against the verdict of CGRF-TPDDL cited above. The appeal contests a demand of around Rs. 15.68 lakhs which has been added to his bill by the Discom (Respondent) on the basis that the Appellant's meter was found to be slow and not registering the correct consumption. The CGRF did not find any merit in the Appellant's contention and held him liable to pay the arrears, hence, this appeal.

2. The Appellant's contention is that his non-domestic connection under question was energized in March, 2014 with the load being enhanced in July, 2016 to 108 KW. A regular inspection carried out by the Discom in November, 2015 found that the meter reading could not be downloaded due to technical reasons and was accordingly replaced the same month. According to the Appellant, all the meter seals were intact at the time of inspection. The Discom, however, raised a bill of arrears for the period 25.05.2015 to 24.11.2015 which he has disputed as well as challenging the results of the meter test report.

3. The Discom's response is that the Appellant's premises were inspected on 09.11.2015 when it was found that the meter data could not be downloaded due to a communication failure between the meter and the Common Meter Reading Instrument (CMRI). The meter was removed with a new meter being installed within 15 days as per regulations on 23.11.2015. The old meter was subjected to a testing protocol by an approved third party, namely the Electronics and Quality Development Centre (EQDC) with the Appellant being provided a full opportunity to witness the testing which he did not avail of. The test, conducted on 22.12.2015, determined that the meter was running slow by 63.13% due to loose CT pins. Accordingly, the Discom had carried out an assessment of the amount actually due as provided for under Regulation 38 (f) of the DERC's Supply Code & Performance Standards Regulations, 2007, raising a bill of about



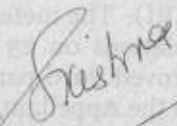
15.68 lakhs for the period 25.05.2015 to 24.11.2015. According to the Discom, the consumer/his representative neither disputed nor refused to counter signed the test report.

4. Both parties have been heard and the material on record taken into consideration. The Discom's position has been challenged by the Appellant who has alleged that no check meter had been installed for determining the correctness of the reading and that the Discom had raised two different bills for the same meter, one based on Regulation 38 (f) and the other on Regulation 43(i) of the Code cited above, a process which was arbitrary as a Discom could not pick and choose regulations to suit its convenience. The Appellant has also raised issues about certain technical aspects of the EQDC's test report which states that 42 "current terminal open counts" events have been recorded by the meter data aggregating 9 days, 9 hours and 29 minutes in duration with 19 "current bypass counts" events aggregating 2 days, 7 hours and 8 minutes in duration. According to his interpretation, the problem with the meter was for this duration of 9 days plus only as stated in the report itself and that the Discom has to confine the arrears it is raising to this period only and not for six months from May to November, 2015 as his meter was not defective beyond six months.

5. The Discom, for its part, has pointed out that the Appellant has disputed the veracity of the test report itself in his petition and then relies on the same report to argue that he should be charged only for the period of 9 days plus which was the total duration of "CT open" counts mentioned in the para above. The meter test report clearly indicates that the recording level was about 63% less and that is exactly what it means with the "CT open" events having nothing to do with it. They have argued that the Appellant is selectively picking and choosing portions from the test report which suit his narrative while ignoring the rest of it whereas the report has to be read in its entirety, a position which cannot be faulted. The Discom has also clarified that the second bill raised was on the basis of the test report, reiterating that the EQDC is an approved third party laboratory and that the outcome of the test shows a clear case of malfunction, in this case, slow running by little over 63%.

6. In my considered opinion, no substantive basis has been made out to question the validity or the findings of the test protocols used by the EQDC. The test has been conducted by professionals who are conversant with the technicalities of the subject at hand and merely challenging it does not invalidate either the test protocols or the outcome unless specific cause can be shown. The Discom's technical representative was also asked during the hearing to explain the issues involved in which it was clarified that the "CT open" events did not and could not be taken as translating to a conclusion that this was the only duration for which the meter could be regarded as faulty. The CGRF has also examined the test report and has found no reasons to fault or doubt it. It is clear – and there is no reason to doubt the EQDC's test report – that the meter was running slow by 63% or so. It, therefore, stands to reason that the charges payable to the Discom for energy consumed have to be adjusted accordingly to take this fact into consideration while generating the bill. The application of Regulation 38 (f) of the Code mentioned in paragraph 3 supra in the calculation of the dues is, therefore, correct and reasonable, restricted as it is to a period of six months only even though – as pointed out by the Discom – the meter was defective for a longer period.

Against the background of the above analysis, no case for intervention with the verdict of the CGRF is called for. This appeal is disposed off accordingly.


(Sundaram Krishna)
Ombudsman
25.04.2018
