

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. 799/2017

IN THE MATTER OF:

Ms. Vandana Sharma - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 15.07.2015 passed by CGRF-TPDDL in
CG No. 6509/03/15/CVL)

Present:

Appellant: Ms. Vandana Sharma

Respondent: Shri Harshendu Kumar, Sr. Manager (Legal), Shri Sanjay Kumar,
(SO A/c) and Shri Ashok Kumar (SO A/c) on behalf of TPDDL

Date of Hearing: 15.11.2017

Date of Order: 17.11.2017

ORDER

1. Appeal No. 799/2017 has been filed by Ms. Vandana Sharma, R/o 166-E (First Floor), Kamala Nagar, Delhi-110007, against CGRF-TPDDL's order in CG No. 6509/03/15/CVL dated 15.07.2015. Although she has filed her appeal after a lapse of more than 2 years, it has nevertheless been admitted solely on the basis of the principle that an appeal should not generally be dismissed without a hearing unless it is frivolous or vexatious.

2. The main complaint of the Appellant relates to the consumption readings of her meter with her contention being that a reading of 3,897 units recorded during the month 5th July to 5th August, 2013 and the reading of 4,551 units for the period 6th August to 10th September, 2013 are very much on the higher side when compared to readings of 660 units between 10th June and 4th July, 2013 and 237 units recorded between 4th May to 9th June, 2013. According to her, the Discom (Respondent) replaced her meter after repeated requests with a new one in November, 2014 and which has registered lower consumption levels, thereby proving her point that the earlier meter had given faulty readings on the higher side. Her demand that her earlier bills be revised downwards accordingly was not acceded to, prompting a complaint on 16.03.2015 to the CGRF with the latter forum allowing only a partial revision, hence this appeal.

3. The Discom's response is that the bills have been raised on the basis of actual consumption readings which were also consistent with the maximum demand indicator (MDI) recordings. Following complaints from the Appellant that the meter was faulty, an accuracy check was conducted on 20.10.2014 with the results showing that its parameters were within permissible accuracy limits. The meter, nevertheless, was replaced with a new one as per standard procedures as its warranty period had expired. The new meter's readings again show the consumption pattern as rising during peak



summer months with no major variations between its readings and that of the older meter. The Discom has deposed that there were no abnormalities in the older meter and that it had been functioning correctly and accurately and, further, that her bill had already been revised as directed by the CGRF for the period specified with a view to bringing the dispute to an end. The Discom has further submitted that the CGRF's order cannot be challenged by the Appellant after lapse of more than two years in view of the fact that the final verdict of the CGRF had already been complied with and the benefits passed to her.

4. I have heard both the parties and considered all the material on record. The first issue concerns the inordinate delay in the filing of this appeal when Regulation 20(3) (ii) of DERC's notification dated 11.03.2004 clearly provides for representations to be made within one month from the date of receipt of the orders of CGRFs with the Ombudsman empowered to entertain such representations beyond the limitation period only if sufficient cause is shown by the Appellant that he/she had sufficient reasons for not filing the representation on time. When queried on this point, the Appellant's explanation was that the Discom had not provided her with any of the billing calculations she had demanded on time, thereby causing the delay. This explanation cannot be sustained in my opinion as the Appellant could just as well availed of alternate remedies available under law like pursuing the matter at higher administrative levels with the Discom or filing a formal complaint before the CGRF at that point in time itself. The excuse of an alleged lack of response from the Discom – which has been categorically denied by the latter – borders on the frivolous and merely attempts to transfer the blame for the delay to the Discom. Nevertheless, the Appellant's plaint has been admitted purely on the basis of the principle that an appeal should not be dismissed on grounds of limitation alone without hearing the party in the interests of natural justice.

5. The Appellant's contention during the hearing has been that Regulations 38, 43 and 44 of the DERC's Supply Code & Performance Standards Regulations, 2007 have not been complied with by the Discom, that the previous meter was defective, that there was a marked change in the consumption pattern after the meter was changed, that there are no geysers or air-conditioners in her premises and that she has been charged at very high rates even in winter resulting in excess billing for fourteen months etc.. She has further argued that under Regulation 43, the consumer can be billed for the period the meter remained defective, subject to maximum six months and based on the consumption pattern for twelve months prior to the period during which the meter remained defective.

6. The primary issue around which the case revolves relates the question of whether the previous meter had indeed been defective as alleged by the Appellant. It may be noted here that the consumer had asked for a check of the meter in August & October, 2014, alleging that it was running fast. An accuracy check carried out on 20.10.2014 showed that the meter's technical parameters were within permissible accuracy limits. Incidentally, the meter was replaced following standard operating procedures as its warranty had expired. The meter replacement protocol sheet, countersigned by the Appellant, clearly certifies that there were no issues concerning the old meter's accuracy. The Discom was, nevertheless, directed to produce readings for the past few years so that the consumption pattern could be mapped. The data, from June, 2013 to October, 2017, covering a period of four years and four months, clearly shows that the peaks and troughs registered by the maximum demand indicator (MDI) of the old meter and after November, 2014 by the new meter are essentially consistent, showing higher consumption levels during summers and lower levels during winters. No anomalies are evident as alleged by the Appellant.

7. Furthermore, the allegation of the Appellant that the previous meter was faulty is neither supported by the technical report of October, 2014 nor the consumption pattern data as revealed by the graph appended to this verdict. It would be relevant to note here

that if the Appellant indeed had serious reservations about the accuracy of the meter, remedies were available in the form of Regulation 38 (b) of the Code of 2007 (referred to paragraph 5 above) under which he/she could have demanded that the meter be tested and further, in the event of the consumer contesting the test report, demand a check by an authorised third party tester under Regulation 38 (g). There is nothing on record to indicate that the Appellant exhausted all the remedial channels available and this issue cannot be resurrected and agitated at this late stage after a lapse of more than three years.

8. Given the above exposition, I find no substantive basis to admit the appeal and revisit the issue of whether the old meter was faulty as alleged or whether over billing has taken place. The consumption readings are consistent in their pattern over the past four years with no basis to question their veracity. Although the CGRF's verdict that the bill for the period 05.07.2013 to 10.09.2013 be revised on the basis of consumption recorded between January and July, 2013 and September, 2013 to March, 2014 is not founded on a sound logical basis, it will not be interfered with at this stage since the Discom has already accepted the verdict and has passed on the benefits of revision to the Appellant.

The appeal is hereby dismissed as being without merit.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
17.11.2017

Disputed period : From August, 2013 to November, 2014
Meter Replaced on : 11.11.2014

Annexure 'A'

Units Consumed (from 05.07.2013 to 30.11.2014) is 41325
Units Consumed (from 02.07.2015 to 01.12.2016) is 42304
Difference -979

Bill date	Billed Units	
18.06.2013	237	
10.07.2013	660	
10.09.2013	3897	
30.09.2013	4551	
20.10.2013	789	
10.12.2013	4975	
08.01.2014	966	
04.02.2014	2194	
05.03.2014	1633	
04.04.2014	980	
06.05.2014	1777	
07.06.2014	3198	
08.07.2014	4796	
01.08.2014	3490	
05.09.2014	3429	
30.09.2014	2679	
1.10.2014	1557	
09.12.2014	414	41325
01.01.2015	357	
06.02.2015	1400	
11.03.2015	1621	
04.04.2015	1891	
05.05.2015	3310	
03.06.2015	5434	
08.07.2015	3833	
05.08.2015	3716	
04.09.2015	3880	
06.10.2015	3620	
04.11.2015	1413	
05.12.2015	894	
05.01.2016	875	
09.02.2016	1003	
14.03.2016	762	
11.04.2016	1176	
10.05.2016	3411	
10.06.2016	4845	
09.07.2016	3386	
14.08.2016	4031	
12.09.2016	3641	
10.10.2016	3578	
10.11.2016	1854	
07.12.2016	239	42304
20.03.2017	455	lowest consumption
08.04.2017	903	
15.05.2017	3698	
09.06.2017	4159	
07.07.2017	2478	
06.08.2017	2876	
20.09.2017	5255	
05.10.2017	4152	23976

Disputed
PeriodCompared
Period