

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.742/2016

IN THE MATTER OF:

Shri Vijay Kumar - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against Order dated 18.02.2016 passed by the CGRF- TPDL in CG No. 6953/10/15/KPM)

Present:

Appellant: Shri Vijay Kumar

Respondent: Shri Sachin Kumar Garg, AGM an Shri Vivek Singla, Sr. Manager, Authorised Representatives of TPDDL

Date of Hearing: 04.08.2016

Date of Order: 08.08.2016

ORDER

1. Appeal no.742/2016 has been filed by Shri Vijay Kumar, B-5/229-230, Sector-7, Rohini, Delhi - 110085 against CGRF-TPDDL's order in CG No.6953/10/15/KPM dated 18.02.2016.

2. The Appellant had approached the CGRF complaining of excessive billing and asking for its rectification with a revision of the sanctioned load as well as restoration of his electricity supply which he alleged had been arbitrarily disconnected. The Respondent's (the Discom) claim before the Forum was that his sanctioned load had been revised upwards on the basis of the average of the three highest maximum demands recorded by the meter during the preceding year April to March in accordance with DERC's directions issued vide their No.F.11(548)/DERC/2009-10/C.F. No.2373/4557 dated 01.02.2011.

Rishma



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3. At the same hearing, however, the Discom admitted that the load of the Appellant's premises had been checked physically on 06.11.2015 and found to be 420 watts only following which his sanctioned load was revised downwards one KW and the bill revised accordingly. The Forum accepted the demand of the Appellant that the revision of the fixed charges based on the physically verified connected load be revised from 12.05.2014 onwards and directed the Discom to revise the bill accordingly, adjusting the security deposit and service line cum development charges based on the connected load of one KW only. The CGRF then closed the case, observing that the Discom had complied with the Forum's order that the Appellant's grievance be attended to.

4. Dissatisfied with the CGRF's order, the Appellant has filed this appeal, seeking further recompense on two counts:

- a) Grant of compensation for the arbitrary disconnection of his electricity supply on 13.10.2015 without any notice and which was restored only late in the evening the following day. This action on the part of the Discom had resulted not only in a loss of business but a loss of face among his peers for him and mental harassment;
- b) His business runs out of a very small, single-room premise and he had repeatedly represented to the Discom that his sanctioned load had been arbitrarily and incorrectly increased from one KW to 6 KW in the first instance from 12.05.2014 and again from 6 KW to 12 KW from 22.06.2015 without a valid basis. He should, therefore, be paid interest on the excess amount refunded to him on the direction of the CGRF.

5. Having heard both the parties and gone through the case records, I find that the Discom has no plausible explanation to offer for the disconnection of the Appellant's electricity supply on 13.10.2015 and its restoration the next day. The inevitable conclusion is that this action of the Discom was arbitrary and without a valid basis. Again, the Discom had failed to address with due diligence the Appellant's representations regarding the enhancement of his sanctioned load from one to 6 KW and then from 6 to 12 KW. The Discom has sought to justify its action by saying that since the accuracy of the meter was checked on 16.01.2015 and 21.08.2015 and found to be correct, therefore, the MDI recorded in the meter was taken as the basis for an upward revision of the sanctioned load, ignoring the fact that the recording of the consumption and maximum demand levels by the meter are independent of each other and that the MDI readings could be anomalous at times, induced by other factors like a disturbance in the real time clock.

6. In any case, leaving aside the technicalities of such issues, it is difficult to understand why the Discom could not have followed the extremely simple expedient of simply inspecting the Appellant's premises and ascertaining its size and electrical equipment installed in it, particularly so when the Appellant had already made representations on the subject to them and a physical inspection would have involved no great or undue effort. Failure on the part of the Discom to conduct a simple physical verification and instead rely entirely on the MDI readings has only resulted in an unnecessary dispute being dragged to the level of the CGRF and the Ombudsman to the inconvenience of both parties.

Srisma



7. I have no hesitation in concluding that there has indeed been a major deficiency in service on the part of the Discom and which they could have easily addressed at their own level had someone demonstrated sufficient initiative and sensitivity. Accordingly, the Appellant is hereby awarded a consolidated compensation of Rs 10,000/- (Rupees ten thousand only) to be paid by the Discom within 10 days from the date of issue of this order.

Sundaram Krishna



(Sundaram Krishna)
Ombudsman
08.08.2016