



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector - 4, Panchkula-134109
Telephone No. 0172-2572299; Website: - herc.nic.in
E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 87/2023
Registered on : 19.09.2023
Date of Order : 27.12.2023

In the matter of:

Appeal against the order dated 24.08.2023 passed by CGRF, DHBVNL, Gurugram in complaint No. 4533/2023.

M/s Indus Towers Limited, 4th Floor, Building 10, Tower B, Cyber City, Gurugram **Appellant**

Versus

1. The Executive Engineer 'Operation', S/U Division, Gurugram **Respondent**
2. The SDO (Operation), Sub Division, Sector-23, Gurugram

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Shri Sanjeev Kumar Chopra, Energy Consultant

Present on behalf of Respondents:

Ms. Sonia Madan, Advocate

Shri Manmohan Jeet Singh, SDO 'Op.', Sub Division, Sector-23, Gurugram

ORDER

A. M/s Indus Towers Limited has filed an appeal through Shri Sanjeev Kumar Chopra authorized representative of appellant against the order dated 24.08.2023 passed by CGRF, DHBVNL, Gurugram in complaint No. 4533/2023. The appellant request for following relief as under: -

1. That M/s Indus Towers Ltd. (through its officer Mr. Sanjeev Kumar Chopra), 4th Floor, building 10, Tower B, Cyber City, Gurugram is a consumer of DHBVN under LT CT category bearing account no. 0300650000 in Sub Division 'OP' Sector 23, Gurugram. He filed a complaint for redressal of his grievance before the Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram (hereinafter referred to as CGRF). The complaint was registered vide case number DH/CGRF/4533/2023 dated 07.07.2023 and listed for its first hearing on 19.07.2023. Next two dates of hearings were 28.07.2023 and 18.08.2023. The reply by the SDO Operation Sector 23 subdivision was submitted before the hon'ble Forum vide memo no. 602 dated 18.07.2023. The complainant requested for granting another date for filing of the reply.

In the hearing held on 18.08.2023, the complainant again requested for granting another date for filing the reply because the contents of the reply of SDO were yet to be verified from the records. But the Ld. CGRF instead of granting another date closed the matter without giving any opportunity to file a written reply and without allowing any arguments to take place in the matter. The Ld. Forum for Redressal of Consumer Grievances, Gurugram passed the impugned order dated 24.08.2023 the copy of which has been received on 08.09.2023. If gone through in terms of quality and transparency of the facts and matter, it is practically an order having been passed without going into merits of the case and without taking cognizance of the fact that the meter had gone defective and had remained defective for almost two full years and the bills continued to be generated on the basis of average after average which is evident from the SDO's reply itself. As a matter of fact, this impugned order has been passed without taking any cognizance of the facts which are evident in the meter reading sheet itself as submitted by the SDO. A technical scrutiny during the course of hearing would have made the things clear there itself but in a hurry to dispose of the case, nothing has been evaluated technically at the level of hon'ble Forum as well. The impugned order dated 20.03.2023 is ill handled, not based on merits, without any arguments having taken place and is bad in the eyes of law and is liable to be set aside. Representation is within the prescribed period of limitation.

2. That the Petitioner/Complainant had filed the complaint (hereinafter referred to as case) in Ld. CGRF on dated 07.07.2023 on the ground that wrong and highly inflated bills had been issued to them because the meter had gone defective and abnormally high consumptions and MDIs were recorded from December 2020 onwards. This meter was declared defective by the M&T lab also vide its report dated 07.11.2022 and the meter was finally replaced in February 2023.

Brief Facts of the case:

1. That the complainant has a regular electricity connection under Sector 23 subdivision, DHBVN, Gurugram and the account no. is 0300650000
2. That the electricity connection is for the Communication Tower being operated and maintained by the complainant

3. That the sanctioned load of the connection is 15 kW
4. That the supply runs through a LT CT Meter
5. That the complaint filed before the Ld. CGRF was against the issue of wrong and highly inflated bills since December 2020 up to February 2023
6. That the complaint was given a case no. 4533 / 2023 by the hon'ble Forum
7. That the complainant has been paying the electricity bills regularly as and when issued by the respondents
8. That the Communication Tower which the complainant operates and maintains caters to thousands of cellular phone users around the area and disruption of these services / disconnection of supply not only causes inconvenience to the users but also causes serious safety and security issues
9. That the complainant has never intended to keep any bill payment pending
10. That in the present case, the meter developed some internal fault and therefore the abnormal consumption of electricity started getting recorded in the meter causing abnormally high bills
11. That the meter reading data of this connection, which is also available in the subdivision, is self-explanatory and sufficient to prove that the meter had developed an internal defect
12. That this meter reading and billing data proves that the meter had gone defective somewhere around December 2020 which continuously aggravated further and started recorded abnormal consumptions as well as the MDIs till such time it was replaced in February 2023.
13. That the following table shows monthly billing details which would make the things clear (from Subdivision record):

Month of Billing	Consumption in Units	Nos. of Days	MDI	Bill Status
May 2020	4840	55	10.7	Ok
July 2020	7073	34	9.63	Ok
Aug 2020	3579	31	10.3	Ok
Sep 2020	3673	31	17.7	Ok
Oct 2020	3624	30	12.3	Ok
Nov 2020	3520	31	8.88	Ok
Dec 2020	5607	30	60.4	Ok
Jan 2020	4086	31	0	RNT
Feb 2021	2584	31	0	RNT
Mar 2021	3804	28	0	RNT
May 2021	8041	61	0	RNT

June 2021	4086	31	0	RNT
June 2021	157996	193	0	Ok
July 2021	2611	19	41.9	Ok
Aug 2021	4079	31	26.2	Ok
Sep 2021	4112	31	61.7	Ok
Oct 2021	4053	30	38.9	Ok
Nov 2021	3520	31	0	RNT
Nov 2021	39832	31	0	Ok
Dec 2021	5607	30	0	RNT
Jan 2022	5794	31	0	RNT
Feb 2022	5794	31	0	RNT
Mar 2022	5233	28	0	RNT
Apr 2022	5794	31	0	RNT
May 2022	5607	30	0	RNT
June 2022	5794	31	0	RNT
July 2022	5607	30	0	RNT
Aug 2022	5794	31	0	RNT
Sep 2022	5794	31	0	RNT
Sep 2022	643252	304	61.9	Ok
Oct 2022	97748	30	0	RNT
Nov 2022	35977	28	0	Ok
Dec 2022	74524	58	0	RNT
Jan 2023	39832	31	0	RNT
Feb 2023	56024	143	12	RNT
Mar 2023	3064	5	8.4	Ok
Apr 2023	2719	31	11.4	Ok
May 2023	3238	30	9	Ok
June 2023	3352	31	7.2	Ok
July 2023	3375	30	12	Ok

14. That starting from May 2020 up to November 2020, bills were issued on OK status and the MDIs recorded were normal and within the permissible limits at 10.7, 9.63, 10.3, 17.7, 12.3 and 8.8 respectively.
15. That for the first time in December 2020, the MDI shot up to 60.4 against a sanctioned load of 15 kW.
16. That from December 2020 to September 2022, the meter status was mostly RNT basis and the MDI recorded was either taken as "0" or abnormally high with the highest as 61.9.
17. That in June 2021, a consumption of 157996 units was recorded for 193 days meaning thereby a continuous (24x7) running of 38 kW every hour which shows that meter had developed an internal fault
18. That in the month of November 2021, a consumption of 39832 units in 31 days was recorded meaning thereby a 24x7 running of 59.4 kW every hour which shows the defect in the meter had further aggravated causing abnormally high recording of consumption

19. That in the month of September 2022, when the bill was issued on OK status with an MDI of 61.9 kW, a total consumption of 643252 units was recorded for 304 days. This means a 24x7 running of 98 kW every hour for 304 days, which by any standards is beyond imagination.
20. That whereas the consumption shows a running of 98 kW every hour continuously for 304 days, the MDI recorded was only 61.9 kW which itself proves that the meter had gone totally defective internally and had started recording absurd and wrong readings
21. That in the month of October 2022, a consumption of 97748 units for 30 days was recorded which practically means a 24x7 running of 150 kW every hour for full one month
22. That the things explained in above paras not only prove that the meter had gone defective around December 2020 but also that the internal defect kept on aggravating with the passage of time.
23. That it was only in February 2023 when the meter was finally replaced with a new one, the recording of monthly consumption became normal and MDI recorded also became normal at 12, 8.4, 11.4, 9, 7.2 and 12 respectively.
24. That it proves from the meter reading sheet above that the consumption as well MDI before the development of internal defect and after replacement of new meter are the similar and the running load of the connection
25. That the meter remained defective during the period from December 2020 up to February 2023, which is proved by the subdivision record of meter reading and billing
26. That the M&T lab report dated 07.11.2022 also says that *“Meter checked in the lab and found that Meter No Display. Accuracy and final reading could not be checked due to No Display Meter. Data cannot be downloaded. Hence Meter is internally defective. Action be taken as per Nigam instructions”*
27. That the M&T lab report and the recording of consumptions in the meter from December 2020 to February 2023 prove that the meter had developed an internal defect around December 2020.
28. That the subdivision being a technical department should have scrutinized / evaluated the reasons of high billing themselves being a

technical office or it should have been scrutinized / taken care of at the level of hon'ble Forum.

29. That the bills issued during the defective period from December 2020 to February 2023 should have been overhauled on the basis of either the consumption pattern recorded either before the development of internal defect or after the replacement of the new meter, as per instructions of the Nigam.
30. That having failed to get the redressal of grievance at the subdivision level, the complainant was forced to file an application / complaint before the hon'ble Forum
31. That a technical scrutiny during the course of hearing would have made the things clear there itself but in a hurry to dispose of the case, nothing was evaluated technically at the level of hon'ble Forum
32. That the Ld. CGRF passed the impugned order dated 24.08.2023 which is ill handled, not based on merits, without any arguments having taken place, without taking any cognizance of the technical facts available on record, is bad in the eyes of law and is liable to be set aside.
33. That in light of the facts explained above, the present petition has been filed to get the grievance redressed because it has been dismissed by the Ld. CGRF without any reason and without even looking into the matter analytically.
34. That the meter reading data clearly proves that the meter developed an internal fault somewhere around December 2020 and it remained defective till it was replaced in February 2023.
35. That the M&T lab report also confirmed that the meter had developed an internal fault and nothing could be read from the meter.

Prayer

In view of the foregoing, it is most humbly prayed that:

- (i) That the present representation may kindly be allowed and impugned order dated 24.08.2023 passed by the Ld. CGRF Gurugram may be set aside
- (ii) That the complaint be accepted and the respondents be directed to overhaul the bills of petitioner from December 2020 to February 2023 on the basis of either the consumption pattern recorded either before the

development of internal defect or after the replacement of the new meter, as per instructions of the Nigam

(iii) That till such time the bills get corrected, the respondents may be directed not to disconnect the supply on the basis of non-payment of incorrect bills.

B. The appeal was registered on 19.09.2023 as an appeal No. 87/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 17.10.2023.

C. The respondent SDO vide email dated 16.10.2023 has submitted reply which is as under:

In this regard it is intimated that brief history of the subject cited case is as under:

- The subject cited consumer bearing account no. 0300650000 having 15 KW Load under NDS Supply category.
- The billing which was raised to the consumer w.e.f. 28.05.2019 is as under. All the dues up to 28.05.2019 was paid by consumer.

S. No.	Meter Sr. No.	Old reading date	New reading date	Old reading	New Reading	Unit Billed	Status	Remarks
1	HRB44269	28.05.2019	01.12.2020	2111254	2342062	69242	OK	
2	HRB44269	01.12.2020	01.06.2021	2342062	2864359	22604	RNT/PR	Due to software deficiency High Bill
3	HRB44269	01.12.2020	12.06.2021	2342062	2868716	157996	OK	Avg. unit 22604 adjusted in the bill
4	HRB44269	12.06.2021	01.11.2021	2868716	3051014	54689	OK	
5	HRB44269	01.11.2021	01.09.2022	3051014	5195190	56820	RNT/PR	Due to software deficiency High Bill
6	HRB44269	01.11.2021	01.09.2022	3051014	5195190	643252	OK	Avg unit 56820 adjusted in the bill
7	HRB44269	01.09.2022	04.10.2022	5195190	5521019	97748	OK	
8	HRB44269	04.10.2022	09.11.2022	5521019	0	46256	Meter Faulty	Defective period overhauled by system with adjustment if avg. unit 56027 KWH
9	5124816	09.11.2022	01.10.2023	1	5816	34890	OK	

- The premises of the consumer was checked by team of XEN Vigilance, Gurugram vide LL-1 No. 10/13016 dated 16.09.2022 & intimated KWH-5289360 with MDI $206.8 \times 0.3 = 62.04$ KW (against S.L. 15 KW).
- The reading which was recorded through CMRI on dated 01.09.2022 i.e. 5195190 KWH was also provided by reading agency.
- After 04.10.2022 the reading in the meter not found visible & meter was checked in the MT-Lab vide challan no. 86 dated 07.11.2022 with the remarks “meter checked in lab & found that meter no display. Accuracy & final reading could not be checked due to no display. Meter data cannot downloaded. Hence meter is internally defective”.
- On dated 07.11.2022 new meter Sr. No. 5124816 was installed.
- Consumer paid the following payment w.e.f. 9/2022 as per detail given below:

S. No.	Date of payment	Amount Paid
1	21.09.2022	44196
2	29.03.2023	300000
3	05.07.2023	810940

- The Consumer filed a complaint before CGRF DHBVN Gurugram vide case no. 4533/2023 dated 07.07.2023.
 - After hearing by CGRF DHBVN Gurugram & after going through the actual facts decided the case in the favour of Nigam on dated 24.08.2023 & directed to complainant to deposit the amount being chargeable.
 - Now in current billing 1/2023 total outstanding amount is 61,22,895/- stand against consumer. Consumer paid last bill during 7/2023 and didn't pay any amount thereafter.
- D.** Hearing was held on 17.10.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, it is observed that no proper reply has been submitted by the respondent SDO, the respondent SDO is directed to submit point wise reply of the appeal with an advance copy to the appellant. The matter was adjourned for 07.11.2023.
- E.** The respondent SDO vide email dated 06.11.2023 has submitted reply which is as under:

In this regard it is intimated that brief history of the subject cited case is as under: -

- The subject cited consumer bearing account no. 0300650000 having 15 KW Load under NDS Supply category.

- The billing which was raised to the consumer w.e.f. 5/2020 to 10/2023.
- As per Sr. No. 13 regarding monthly billing details submitted by the consumer it has been found that in 10/2022 shown billing status RNT against 97748 KWH, but bill was raised on O.K. basis. Further in 3/2023 shown billing status RNT against 56024 KWH, whereas bill raised on O.K. basis.
- The above data is self explanatory regarding billing of the consumer.
- It is not true regarding recorded abnormal consumption in r.o. MDI w.e.f. 12/2020, as the premises of the consumer was checked by team of XEN Vigilance Gurugram vide LL-1 No. 10/13016 dated 16.09.2022 & intimated KWH- 5289360 with MDI $206.8 \times 0.3 = 62.04$ KW (against S.L. 15 KW).
- The reading which was recorded through CMRI on dated 01/09/2022 i.e. 5195190 KWH was also provided by reading agency.
- After 04.10.2022 the reading in the meter not found visible & meter was checked in the M&T-Lab, Gurugram vide challan no. 86 dated 7/11/2022 with the remarks "meter checked in lab & found that meter no display. Accuracy & final reading could not be checked due to no display. Meter data cannot downloaded being old software meter. Hence meter is internally defective."
- On dated 07/11/2022 new meter Sr. No.5124816 was installed.
- The Consumer filed a complaint before CGRF DHBVN Gurugram vide case no. 4533/2023 dated 07/07/2023.
- After hearing by CGRF DHBVN Gurugram & after going through the actual facts decided the case in the favour of Nigam on dated 24.08.2023 & directed to complainant to deposit the amount being chargeable. It is pertinent to mention that the applicant did not comply with the orders of Hon'ble CGRF and not paid the amount of his electricity bill after the decision of Hon'ble CGRF Case. However, part payment of Rs.1000000/- (Rs Ten lakh only) done on 18/10/2023.
- Now in current billing 10/2023 total outstanding amount is 52,11,872/- stand against consumer.

F. Hearing was held 07.11.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, counsel for the

respondent requested for short adjournment being engaged recently. Acceding to the request, the matter was adjourned for 30.11.2023.

G. The counsel for respondent SDO vide email dated 24.11.2023 submitted reply, which is reproduced as under:

1. The Appellant has filed the present complaint against the Order of CGRF dated 24.08.2023. The Appellant had approached CGRF against the bill raised for the month of September, 2022 wherein the billable units were considered as 6,43,252. It is the case of the Appellant that since meter had gone defective around December, 2020, the internal defect got aggravated leading to record of abnormal consumption. It is the case of the Appellant that the wrong and inflated bill has been issued to them as the meter was defective and high MSI was recorded from December 2020 onwards. The Respondent is submitting a composite reply hereunder, which shall effectively address all the contentions raised in the instant Appeal/ Representation. The present reply is being filed through SDO, Sector-23, Gurugram who is duly authorized and also well conversant with the facts of the matter.
2. At the very outset, it is submitted that the Appellant has been a consumer of the DHBVN since 8 years. The Appellant in the present case is running and maintaining a Mobile Tower which has a fixed Supply Load of 15 KW. The meter installed at the premises of the Appellant is a LT CT electronic wherein the calculation of units consumed and the bills raised with respect to the units is done through CMRI. The meter is LTCT and different from the meters used for domestic consumers in terms of readings taken i.e. through CMRI than manual.
3. The sole dispute in the instant case pertains to the billable units mentioned in the bill of September, 2022 which when viewed with billable units for preceding and succeeding months appears to be abnormal. The billable units of 6,43,252 and an amount of Rs. 44,73,070/- in the month of September, 2022 pertains to short billed units for the period November, 2021 to September, 2022 i.e. 304 days. As such, the projection given by the Appellant to the effect that the billable units were suddenly inflated for the month of September, 2022 is incorrect.
4. The Appellant has the sanctioned load of 15KW. The supply load has a specific threshold limit. With LTCT meter, use of electricity by a consumer

over and above the sanctioned load, triggers the 'High Bill Trap' wherein meter continuously recording actual consumption and bill generated on 'Reading Not Taken (RNT)'. For example, if 2000 units are to be consumed under a 15 KW Supply Load and the consumer used 5000 units; the online software will put the said bill under a High Bill Trap and generate average bill rather than on actual consumption.

5. In the case of the Appellant as well, for the Month of October, 2022, two bills were issued with separate units. This essentially means that the first bill fell into the High Bill Trap and was cancelled on generation of revised bill on actual consumption basis. Therefore, the units billed in the first bill of October are then adjusted automatically into the revised bill of the October month. This is also evident from the fact that the old reading is the same in both the bills. The net payable bill in the months of Oct, 22 is Rs. 53,48,452. This is calculated on actual consumption recorded by meter. In order to explain the foregoing facts, the Respondent is appending herewith single account ledger sheet showing billing details including MDI, bill status, meter status, units billed etc. for the period May, 2020 to October, 2023.
6. Further, the column 'Reading Remarks' in the first bill of the month of October, 2022 shows 'RNT'. This happens in two scenarios. The first scenario is when the reading was not taken and second scenario is when the meter is defective. However, the readings of LTCT meter is taken through CMRI is an automated system, the defective bill is automatically adjusted in the next OK bill. Hence, for all the months where reading is not taken (RNT), the RAPDRP software automatically adjusts the units consumed in the upcoming OK bills.
7. It is pertinent here to explain that for every RNT, the online software takes a provisional value of units consumed as per previous consumption of corresponding period. This is evident from a perusal of Bill sheet appended herewith. A 'PR' value i.e. Provisional Reading is taken to calculate the bills. In the case of subsequent RNTs, the next bill that has OK status in it adjusts the units of previous RNT bills under OK bill taking the actual units recorded by meter for calculation. This is substantiated from the perusal of entries at S. No. 14 to 24 of the Bill Sheet, which pertains to bills from December, 21 to September, 22. The total billable

units for provisional status for the period December, 21 to September, 22 is 56,820. The adjustment for the corresponding months is therefore, made in the month of September, 2022 which has OK status. To summarise, for every RNT a PR value exists which is used to calculate the bill according to the units consumed. The said Units are then adjusted with the subsequent OK BILLS.

8. Further, the Bill sheet appended herewith evince that for every month, there is an old reading and the new reading, the difference of which shows the billable units for the respective month. However, for months, where the reading is not taken, the old reading of the previous OK Bill is taken and no Reading from an RNT bill is taken. Based on same, calculation of billed units for OK period is made as under –

CALCULATION OF UNITS BILLED: (NEW READING – OLD READING) x MULTIPLYING FACTOR (MF)

9. Based on the foregoing formula, the billable units for the month of September, 2022 is made was under –

$$(5195190-3051014) \times 0.3 = 6,43,253$$

The foregoing computation shows that there is no role of MDI in calculation of billable units for September, 2022 and it is the simple application of multiplication factor on the readings auto generated by LT CT meter through CMRI. The said calculation is a result of the automated system according to which the bills are generated.

10. The contention of the Appellant that the defective meter led to abnormal MDI is wrongly projected. MDI is a mere indication of the maximum demand for each month. This is a measure of maximum demand and any fault in the RTC of meter leads to affect the MDI portion and it does not affect the accuracy of the meter. The Appellant has wrongly corrected the meter reading with the MDI reading. A perusal of the single account ledger sheet showing billing details evince that for the months of December, 2020, July 2021, September 2021 and also October, 2021, the MDI is shown as 60.36, 41.88, 61.71 and 38.88 respectively which apparently is much higher. However, for these months as well, the recorded consumption is normal and as per actuals i.e. 5607 units for December 2020, 2611 units for July 2021, 4113 units for September 2021, 4054

units for October 2021. Meaning thereby the MDI has no correlation to assess the accuracy regarding consumption reading of the meter.

11. During the months of January, 2021 to June, 2021 the MDI was significantly high. However, that value has no bearing on the calculation of the bill amount. Further, no additional amount or penalty has been asked from the Petitioner for the respective default in the MDI being declared defective. Only interest and surcharge has been levied on account of non-payment of bill by due date as per Regulations. Thus, the contention of the Appellant to the effect has an abnormal reading of MDI shows that meter had an internal fault and recorded wrong reading is not correct and liable to be rejected.
12. The Appellant had raised a contention of abnormal consumption in respect of MDI w.e.f. December, 2020. In pursuance to the same, the LTCT meter was inspected by team of XEN Vigilance Gurugram vide LL-1 No.10/13016 on 16.09.2022. The findings of the said inspection were intimated to the Appellant and the bills were raised in accordance with the said findings. Thus, it may be seen that all the readings and the bills raised are in consonance and in accordance with the LTCT meter readings.
13. A bare perusal of the annexed bills along with the inspection report would indicate that despite the alleged default in the LTCT meter, the bills raised subsequently were in accordance with the established system of calculation as per the units recorded and the Provisional Value (PR) taken.
14. Insofar as reference of the Appellant to the M&T lab report dated 07.11.2022 is concerned, the same has been wrongly projected. Defective display of the meter in November, 2022 does not, by any means, establish that the reading for the September, 2022 is incorrect and inflated because of defect. Had that been the case, the reading ought to have been inflated for October 2022 as well. However, the same is only 4054 units. As explained above, the reading for September, 2022 is which in actual is a composite reading for the period pertains to short billed units for the period November, 2021 to September, 2022 i.e. 304 days. As such, the projection given by the Appellant to the effect that the billable units were suddenly inflated for the month of September, 2022 due to defect in the matter is incorrect.

15. In light of the foregoing submissions, it is submitted that the prayer of the Appellant to the effect that the bills shall be overhauled from December 2020 to February 2023 is incorrect, devoid of any merit and liable to be rejected.

Prayer:

In view of the submissions made hereinabove, it is respectfully prayed that the present petition being devoid of merit may kindly be dismissed, in the interest of justice.

H. Shri Sanjeev Kumar Chopra authorized representative vide email dated 28.11.2023 submitted rejoinder in response to respondent reply, which is reproduced as under:

1. Para no. 1 It needs no comments. The complete matter stands explained in the petition itself by the petitioner.
2. Para No. 2 That the meter reading is read through CMRI and not manually is a purely an internal matter of the respondent. It is also pertinent to mention here that automatic reading of LT CT meter further strengthens the contention of petitioner that the meter had gone internally defective and had started recording abnormally high consumption without any manual intervention or any misreading by the meter reader or any wrong punching by the computer desk operator in the subdivision
3. Para No. 3 From the reply submitted by the respondent, it seems that the whole set of issues explained at length in the petition have not been understood. An exhaustive table has been given at Sr. no. 13 of the petition under the head "Brief Facts of the Case" wherein the complete reading sheet, as also annexed by the respondent now at R-1 & R-2, has been depicted for ready reference of the hon'ble Ombudsman. It is clearly mentioned there in the petition itself that the bills from November 2021 to September 2022 had been issued on "RNT" basis which were subsequently summed up and revised for 304 days together for a consumption of 643252 units. Therefore, the arguments the respondents have tried to submit in para no. 3 of their reply is not understood because the petition itself explains that the bill for 304 days raised in September 2022 was for the months starting November 2021 to September 2022.
4. Para No. 4 The respondent in their reply have beautifully explained how the status "RNT" gets recorded and how the bill gets generated on

“Average” basis. This further strengthens and proves the contention of the petitioner that the meter had developed an internal defect somewhere in December 2020 when the meter generated the 1st bill on “RNT” basis with an MDI of 60.4 kW which continued for next 6 months or so against a sanctioned load of 15 kW only. The internal defect in the meter should have immediately come to notice and an investigation into the reason of “High Billed” could have solved the problem there itself. As already referred to above, the exhaustive table at Sr. 13 of the petition under “Brief Facts of the Case” clearly shows that the bill revised in June 2022 for 157996 units was for 193 days, practically meaning a bill for around 25000 units per month against a normal consumption of around 3000-3500 units per month. That despite the meter giving clear indications of something having gone wrong into the meter month after month, and that too electronically, the subdivision failed to notice it and did not investigate into the sudden jump of the consumption almost 10 times of the normal consumption. The argument put forth by the respondent in this para further proves the contention of the petitioner that the meter had developed an internal defect somewhere in December 2020.

5. Para No. 5 Reply of respondents here in this para explains the bill for the month of October 2022 which even after the correction is for a consumption of 97748.7 units for 33 days and that too against an MDI of 0.9 kW. This is indeed painful to note that despite the meter having recorded almost 30 times more than the normal consumption for a month, the respondents instead of admitting internal fault in the meter are trying to justify the abnormal consumption and asking the petitioner to pay. Even though the onus of carrying out technical investigation and evaluation lies on the technical department / subdivision and such wrong billing should have been corrected immediately, the petitioner in the petition has submitted all the technical evaluation and investigation along with proper reasoning for reference and record so that justice can be done expeditiously by the respondents.
6. Para No. 6 Contents of this para are the same as have been stated already in the previous paras of their reply. The respondents themselves have admitted here that “RNT” status gets recorded in “Reading remarks” only if the meter reading has not been taken or if the meter has gone defective. But here in this case, the respondents are trying to justify the abnormally

high consumption even though the meter had been indicating internal defect in the meter month after month by digitally recording “RNT”. Again, in this para, the respondents have explained the procedure the software would follow to correct the “RNT” based bills but have not explained at all as to how against a sanctioned load of 15 kW, a consumption of 97748.7 units can be recorded in a month. The respondents have failed to notice that a consumption of 97748.7 units for 33 days can be recorded only when a load of 150 kW runs 24x7 running throughout the month.

7. Para No. 7 The contents of the para here also are repetitive. The respondents have again explained as to how the “RNT” status finally gets adjusted at the end to “OK” status but have failed to explain as to how the “RNT” status running for months together suddenly turned into “OK” status. We understand with whatever technical knowledge we have that the digital meter on its own cannot correct the “RNT” status in such cases unless someone from the subdivision goes manually to the site and enters the reading manually and conveys it to the billing system software. If it is so, the internal defect of the meter which the software had been reporting digitally month after month is done away with by manually entering the reading and forcing the software to accept a “defective meter” as “correct meter” thereby causing the software to generate highly abnormal / inflated bill, which the respondent has been trying to justify in their reply in this para also. The respondents here have tried to explain that the average based units of 56820 from December 2021 to September 2022 have been adjusted but have not explained as to how the consumption of 643252 units could get recorded in these 304 days. The contents of the para are just a bid to defend themselves without any valid reasons and justification.
8. Para No. 8 Contents of this para are nothing but simply as to how the bills are generated on the basis of new reading, old reading and the multiplying factor. There is nothing relevant in this para to comment upon so far as the present case is concerned.
9. Para No. 9 A perusal of the contents of the para would reveal that technical mind has not been applied to a technical problem. It is said by the respondent that MDI has nothing to do with the consumption recorded in the meter and that it is just a plus – minus of the old and new readings.

As already explained in para nos. 19 and 20 of the petition, a consumption of 643252 units in 304 days would require a continuous running load of 98 kW round the clock for 304 days. Para nos. 19 & 20 are reproduced here again for understanding:

19. *That in the month of September 2022, when the bill was issued on OK status with an MDI of 61.9 kW, a total consumption of 643252 units was recorded for 304 days. This means a 24x7 running of 98 kW every hour for 304 days, which by any standards is beyond imagination.*

20. *That whereas the consumption shows a running of 98 kW every hour continuously for 304 days, the MDI recorded was only 61.9 kW which itself proves that the meter had gone totally defective internally and had started recording absurd and wrong readings*

It can be observed from the above that the respondents have not understood the technical issue involved and have again tried to defend the wrong and absurd readings of the internally defective meter. The respondents in their reply have tried to shy away from admitting the defect by saying that since the bill is system generated, they are helpless to do anything. It is pertinent to mention here that the technical competence which we are expected to possess must be applied when the meter gets defective and such abnormally high consumptions get recorded in the meter. Where should a non-technical consumer go when the technical department refuses to analyse the issues technically and logically.

10. Para No. 10 Contents of para 10 are repetitive and just an extension of what has been said in para no. 9 of their reply. Again, the respondent has tried to explain a technical issue in a totally non-technical manner. Defective RTC (Real Time Clock) is only a time clock which has nothing to do with MDI or the consumption. Function of RTC is only to tell us, if required, as to how much load was running for what time durations. This is primarily required to know the slot wise consumptions in case of HT Connections where the billing is done on TOD basis. It is surprising to note that here again, the respondents have tried to say that MDI has nothing to do with consumption. The respondents have failed again to understand that a continuous running of 98 kW round the clock for 304 days can only cause a consumption of 653252 units against a connected

load of 15 kW only. The respondents have also failed to understand and analyse as to how a consumption of 65000 units per month can be recorded against a normal consumption of 3000-3500 units per month. A perusal of the consumption pattern before December 2020 and after the replacement of defective meter in February 2023 clearly shows that abnormally high consumptions got recorded due to internal defect in the meter.

11. Para No. 11 In this para again, the respondents have said that MDI has no bearing on the consumption. The whole matter explained at length in the petition has not been understood. Also, the respondents in this para have themselves admitted that MDI had gone defective but no penalty on this account has been charged. In the month of October 2022, as already mentioned in the petition, a consumption of 97748 units for 30 days was recorded which practically means a 24x7 running of 150 kW every hour for full one month against a connected load of 15 kW only. Yet the technical department is neither ready to analyze and investigate into the defectiveness of the meter and have made up a mind only to defend themselves and not to correct the bills for the defective period. It is expected of the technical department to correct such issues at their level in the first instance so that consumers do not have to run from pillar to post to get the bills corrected.
12. Para No. 12 Contents of the para are just a matter of internal record of the respondents. The wrong and abnormally high consumptions which the defective meter had been recording month after month since December 2020 have just been recorded by the vigilance wing in their checking report in the shape of reading in the meter on the date of checking. There was nothing else which the Vigilance wing could do other than to record the reading shown in the meter at the time of checking. It was duty of the respondents to see and investigate and declare the meter defective and to resolve the issue especially when it was brought to their notice by the Vigilance wing and the petitioner. But instead of doing the corrections, the respondents have used all the energy to prove that wrong and inflated consumptions recorded by the meter were actually not wrong. Such an approach is not expected from a highly technical department.

13. Para No. 13 Contents of the para are factually wrong and just a repetition of what has been said in the previous paras. There is nothing to comment upon a factually wrong conception of the matter.
14. Para No. 14 It is very surprising to note that the respondents are not ready to accept even the report of M&T lab which says that meter had developed an internal defect. On the contrary, they are trying to justify their incorrect stand by citing the consumption for the month of October 2022 as 4054 units. It seems that the respondents have not gone through their own annexures. There are two bills shown for the month of October 2022. The first one is at Sr. no. 16 which is on RNT / PR basis for 4054 units which was withdrawn, 4054 units adjusted and a new bill issued (Sr. no. 15) for 97749 units on reading basis. Again, it is submitted that a consumption of 97749 units in a month would require a load of 150 kW running round the clock throughout the month against a connected load of 15 kW only. But instead of looking at the defect of the meter, the respondents have again tried here to justify whatever they have done so far.
15. Para No. 15 Contents of the para are factually wrong and are not based upon the technical jurisprudence which is expected of a technical department. The internal defect which has been time and again indicated digitally by the meter has been ignored by the respondents and has thus forced the petitioner to come before the hon'ble Ombudsman for a simple issue which could have been easily resolved in the first instance at the subdivision level.
16. From the perusal of the facts explained above, it is a clear cut case of the meter having gone internally defective, as also said by the M&P wing in their checking report, which caused recording of abnormally high and wrong readings in the meter and giving enough indications to respondents to act upon. But because the respondents did not take any action, all these issues of high billing cropped up causing unnecessary harassment to the petitioner. Had the action to replace the defective meter, which the respondents took in February 2023, been taken immediately after the first inflated bill somewhere in December 2020 or January 2021, the issue would have got resolved there and then.

Prayer

In view of the foregoing, it is most humbly prayed again that:

- (i) That the impugned order dated 24.08.2023 passed by the Ld. CGRF Gurugram may be set aside
- (ii) That the respondents be directed to overhaul the bills of petitioner from December 2020 to February 2023 on the basis of the consumption pattern recorded either before the development of internal defect or after the replacement of the new meter, as per instructions of the Nigam
- (iii) That till such time the bills get corrected, the respondents may be directed not to disconnect the supply on the basis of non-payment of incorrect bills.

I. Hearing was held 30.11.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the authorized representative of appellant submitted that rejoinder submitted. The respondent is directed to file reply on the rejoinder if any with an advance copy to the appellant. The matter was adjourned for 21.12.2023.

J. Hearing was held on 21.12.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO submitted that the meter has been checked by the M&P team on dated 22.11.2021 and 28.09.2022 and the meter working was found within permissible limit. Further M&P team visited the site for checking on 30.11.2022 but the accuracy of the meter could not be checked due to disconnection of the supply and the meter was referred to M&T Lab for retesting. The representative of the appellant submitted that no such M&P reports are provided to them and requested to direct the respondents to supply these reports. Accordingly, the respondent SDO is directed to provide a copy of the abovementioned reports to the appellant within two days. The matter was adjourned for 27.12.2023.

K. The respondent SDO vide email dated 22.12.2023 provided the copy of M&P reports of meter accuracy checked on 22.11.2021 and 28.09.2022 to the appellant in compliance of interim order dated 21.12.2023.

L. Shri Sanjeev Kumar Chopra, Energy Consultant authorized representative vide email dated 25.12.2023 submitted written arguments, which is reproduced as under:

1. That after the last hearing held on 21.12.2023, the respondent SDO sent copies of the 2 nos. checking reports of the M&P wing of DHBVN. These checking reports are dated 22.11.2021 and 28.09.2022.

2. That the petitioner is thankful to the respondents for providing copies of these checking reports for further arguments
3. That these 2 nos. checking reports of dated 22.11.2021 and 28.09.2022 further strengthen the submissions made by the petitioner that the meter had developed an internal defect prior to 22.11.2021.
4. That with the kind permission of hon'ble Ombudsman, findings of these 2 nos. checking reports are discussed one by one for the purpose of understanding:

5. **Checking Report 90/1606 – dated 22.11.2021**

- a) Nos. of reset count = 130
- b) Power Factor = 0.99
- c) KWh Reading = 3351929
- d) kVAh Reading = 3172309
- e) MDI = 206.2 kW
- f) Cumulative MDI = 8434.7 kW
- g) R Y B Phase Voltages = 262 V, 264 V, 262 V
- h) R Y B Phase Currents = 5.85 A, 5.55 A, 6.84 A (Average=6.08)
- i) Running Load = $(1.732 \times 453 \times 6.08 \times 0.99) / 1000 = 4.722 \text{ kW}$

6. **Checking Report 58/1739 – dated 28.09.2022**

- a) Nos. of reset count = 140
- b) Power Factor = 0.99
- c) KWh Reading = 5450819
- d) kVAh Reading = 6482156
- e) MDI = 206.8 kW
- f) Cumulative MDI = 0461.3 kW
- g) R Y B Phase Voltages = 255 V, 257 V, 255 V
- h) R Y B Phase Currents = 8.28 A, 9.70 A, 8.75 A (Average=8.91)
- i) Running Load = $(1.732 \times 440 \times 8.91 \times 0.99) / 1000 = 6.722 \text{ kW}$

7. **Analysis of the 2 nos. reports above:**

- a) That nos. of days between these 2 nos. checking is 304 days
- b) That the multiplying factor is 0.3
- c) That the power factor recorded is 0.99

- d) That the consumption recorded in kWh (units) between these 2 nos. checking dates is $(5450819 - 3351929) \times 0.3 = 2098890 \times 0.3 = 629667$ units
- e) That this consumption of 629667 units in 304 days can be recorded only when a load of 87.12 kW runs continuously 304 days x 24 hours
- f) That the MDI recorded by M&P in its two checking reports is 206.2×0.3 and 206.8×0.3 kW respectively i.e. 61.86 kW and 62.04 kW respectively
- g) That the cumulative MDI recorded between these two checking dates is $(10000 - 8434.7) + 0461.3 = 2026.6 \times 0.3 = 607.98$ kW which when divided by 10 reset count comes to an MDI of 60.8 kW every month
- h) That even if the highest MDI of 62.04 kW is taken as correct, the maximum consumption which should be recorded in 304 days cannot be more than $62.04 \times 304 \times 24 \times 0.99 = 448117.40$ units whereas the consumption recorded as per reports of M&P is 629667 units
- i) That the running loads at the time of checking on 22.11.2021 and 28.09.2022, as recorded by M&P team, were 4.722 kW and 6.722 kW respectively.
- j) That the M&P teams on both the occasions failed to analyse the mismatch in different data otherwise the defect in meter could have come to notice there and then
- k) That the analysis which the petitioner has been made to explain above should have been done by the technical department at least by the M&P team if not by the SDO Operation
- l) That the M&P team without applying mind on both the occasions declared these cases as LOR (Loss of Revenue) cases without even checking / investigating that how an MDI of more than 60 kW every month can be recorded when the sanctioned load was only 15 kW and the running load on both the occasions was found only around 5 - 6 kW.
8. That the Ld. Counsel as well as the respondent SDO argued on the last date of hearing 21.12.2023 that they had no evidence of meter having gone

defective and heavily relied upon the above mentioned two nos. M&P checking reports.

9. That from the analysis put up above by the petitioner, both the checking reports have been proved wrong and seem to have been prepared without analysing the technical mismatches between different data available at the time of checking.
10. That simply writing that meter was found working within permissible limits (WIPL) would not suffice. That every technical data has to be mutually supportive and self-explanatory which is not there in the present case.
11. That in the checking report dated 28.09.2022, the M&P team recorded two following remarks which were contrary to each other:
 - a) *MDI found exceeded, taken action as per Nigam rules*
 - b) *MDI portion seems to be defective as per the side condition*

That on one hand the subdivision was advised to take action for exceeded MDI but on the other declared that the MDI portion was seemingly defective

12. That exactly the same conditions existed during the checking on 22.11.2021 but the M&P team failed to record that "*MDI portion seems to be defective as per the side condition*". Had the M&P team investigated the matter of such high MDI at that time, the matter would have got resolved there itself.
13. That the contention of petitioner that the meter had gone defective around December 2020 is proved correct by the meter data management (MDM) sheet and the two nos. M&P checking reports on record when an MDI of 60.4 was recorded for the first time in the meter in December 2020
14. That the petitioner explained at length the reasons beyond doubt that meter had developed internal fault around December 2020 in the petition as well as in the Rejoinder but the respondents have not been able to submit any reply to the submissions / arguments made by the petitioner in this regard
15. That it is ironical to note that whereas the technical analysis should have been done by the technical department to prevent any unnecessary harassment to the consumer, the onus to prove the meter defective has been put on the consumer.

16. That there are sales circulars of the respondents which clearly say that when other parameters fail to explain the correctness or defectiveness of the meter, the consumption patterns recorded before and after the defective period would be the best guide to resolve such issues and correct the bill.
17. That a perusal of the consumption pattern before December 2020 and after the replacement of defective meter in February 2023 clearly shows that abnormally high consumptions got recorded during the period the meter remained internally defective.
18. That the petitioner during arguments on 21.12.2023 again explained at length as to under what conditions the status "RNT" gets recorded and how the bill gets generated on "Average" basis automatically by the billing software. It was again explained that due to sudden development of internal fault and abnormally high consumption, almost 20 – 30 times the normal consumption having been recorded in the meter, the meter had started giving clear indications of something having gone wrong by recording "RNT" in December 2020 and successively thereafter. But neither the subdivision nor M&P team noticed it and did not investigate the reasons for sudden jump of the consumption almost 20 - 30 times of the normal consumption.
19. That from the perusal of the facts explained above, it is a clear cut case of the meter having gone internally defective from around December 2020 and it continued so till it was replaced in February 2023.

Prayer

In view of the foregoing, it is most humbly prayed again that:

- (i) That the impugned order dated 24.08.2023 passed by the Ld. CGRF Gurugram may be set aside.
- (ii) That the respondents be directed to overhaul the bills of petitioner from December 2020 to February 2023 on the basis of the consumption pattern recorded either before the development of internal defect or after the replacement of the new meter, as per instructions of the Nigam.
- (iii) That till such time the bills get corrected, the respondents may be directed not to disconnect the supply on the basis of non-payment of incorrect bills.

M. The counsel for the respondent SDO vide email dated 27.12.2023 submitted written arguments, which is reproduced as under:

1. The Appellant has filed the Written Arguments on 26.12.2023 contending that the meter had gone defective around December 2020. The grievance of the Appellant is concerned the bill for the month of September, 2022 wherein the billable units were considered as 6,43,252. The billable units of 6,43,252 and an amount of Rs. 44,73,070/- in the month of September, 2022 pertains to short billed units for the period November, 2021 to September, 2022 i.e. 304 days. The contentions raised by the Appellant are incorrect and presumptuous. The Respondent, in addition to the reply dated 24.11.2023, sets out hereunder submissions which shall establish that there is nothing to prove that the meter was defective.
2. In order to set the facts correct, the respondent has taken the readings for each month from the Reading Agency and prepared a comparative table for the Units billed based on the meter display and the readings taken by the Reading Agency. A bare perusal of the said sheet categorically evinces the following –
 - a) A reading of MDI in isolation does not establish that the meter reading is incorrect. Firstly, the MDI gets auto-reset to zero value on the onset of new month i.e. 30th or 31st of month (as the case may be) at 12:00 am. Secondly, a perusal of 'Reading Taken by Agency' shows that MDI has no bearing on the meter reading. For instance, Sr. no. 7,8 and 9 shows that with MDI of 205.28, 206.8, 206.64, the Units are 49368.9, 78777.9, 17486.1 respectively. However, at Sr. no. 16, 23 and 24, with MDI of 202.48, 206.88, 206.84, the Units are 4053.6, 5537.1, 8705.7 respectively. This evidently negates the contention of the Appellant as regards the high MDI being reflective of any defect in the meter.
 - b) At Sr. no. 17 and 27, the readings taken in Checking Reports as no 22.11.2021 and 28.09.2022 are 3172389 and 5450819 respectively. A perusal of the Old meter reading at the start of month of November 2021 and September 2022 shows that the readings recorded in Checking Report are accurate as the same have increased in proportion. This, by itself, establishes that there was no fault in the meter as on the date of checking by M&P.

- c) The sum total of the units, as per Reading Agency and as per meter display is the same. Until the month of October 2022, the reading has been recorded for each month. As such, if at all, any benefit of overhauling is to be accorded to the consumer Appellant, the same can only be considered for the month of November 2022, where the end reading was not available. As such, the contention of the Appellant to the fact that the meter was defective in December 2020 is not established and hence, not acceptable.
3. As stated earlier, with LTCT meter, use of electricity by a consumer over and above the sanctioned load, triggers the 'High Bill Trap' wherein meter continuously recording actual consumption and bill generated on 'Reading Not Taken (RNT)'. The total billable units for provisional status for the period December, 21 to September, 22 is 56,820. The adjustment for the corresponding months is therefore, made in the month of September, 2022 which has OK status.
4. In light of the foregoing submissions, it is submitted that the prayer of the Appellant to the effect that the bills shall be overhauled from December 2020 to February 2023 is incorrect, devoid of any merit and liable to be rejected.

Prayer:

In view of the submissions made hereinabove, it is respectfully prayed that the present petition being devoid of merit may kindly be dismissed, in the interest of justice.

- N.** Hearing was held on 27.12.2023, as scheduled. Both the parties were present through video conferencing. M/s Indus Towers Ltd. (Appellant) has filed instant representation against the Order of CGRF dated 24.08.2023. The Appellant approached CGRF vide case number DH/CGRF/4533/2023 dated 07.07.2023 against the bill raised for the month of September, 2022 wherein the billable units has been considered as 6,43,252. The case of the Appellant is that the meter had gone defective around December, 2020 and therefore abnormal reading was recorded. The operative part of the order dated 24.08.2023 passed by the CGRF, DHBVNL, Gurugram is as under:

"Proceedings were held on 18.08.2023. The SDO and representative of complainant were present. Both the parties argued in length, SDO argued that premises of the consumer was checked by XEN Vigilance vide memo no. 3787/Vig./GDN dated 20.09.2022 and pointed out that billing of the subject cited

consumer is not done as per reading recorded by the meters as per LL-1 no. 10/13016 dated 16.09.2022. The amount of Rs. 4473070/- charged is correct and payable by the complainant. The Forum observed and decided to dispose off the case and directed the complainant to deposit the amount being chargeable. The case is closed.”

The parties filed detailed submissions and argued the matter at length. The Respondent has placed on record a sheet showing readings recorded for the period may 2020 till October 2023.

The salient contention of the Appellant was that the circumstantial evidence suggests that the meter was defective, which is evident from the fact that consumption of 629667 units in 304 days can be recorded only when a load of 87.12 KW runs continuously 304 days x 24 hours. It was further urged that even if highest MDI of 62.04 KW is taken as correct the maximum consumption should be recorded in 304 days cannot be more than 448117.40 units (62.04 x 304 x 24 x 0.99). This, according to Appellant, establishes beyond doubt that the meter had developed internal fault.

Respondent, in their reply, explained that a LTCT meter was installed for the Appellant with a sanctioned load of 15 KW. The use of electricity by a consumer over and above the sanctioned load triggers the 'High Bill Trap' wherein meter records provisional reading as 'Reading Not Taken'. As such, when the meter is restored to function within sanctioned load, the accumulated reading for the period when the meter was under 'High Bill Trap' is shown. Therefore, the disputed bill for the month of September, 2022 pertains to the period of 11 months i.e. December 2021 to September, 2022. The Respondents urged that meter cannot be said to be defective as the accuracy of the meter was checked by M&P team twice i.e. on 22.11.2021 and 28.09.2022. It was stated that the M&P team, which is the expert authorised agency duly mentioned that the meter was found working within the permissible limits. In addition, reliance was placed upon the LL-1 Checking report dated 16.09.2022 which also does not mention any defect in the meter and the reading was continuously shown in the matter.

The Appellant also argued that the abnormal MDI for various months evince that there was some defect in the meter. To controvert the same, the Respondent urged that the MDI had no correlation with the meter reading. In support thereof, a comparative sheet for the Units billed based on the meter display and the readings taken by the Reading Agency was placed on record. It was stated that the MDI gets auto-reset to zero value on the onset of new month.

It was pointed out that for months where MDI of nearly 205-206 is shown, the Units consumed vary from 50,000 to 4000, which negates the contention of the Appellant as regards the high MDI being reflective of any defect in the meter.

Considering submissions of both parties and after perusal of all document, it is observed that the meter accuracy was checked by M&P team on 22.11.2021 and 28.09.2022 and found its working within permissible limit. Further, in pursuance of the respondent SDO memo. No. 902 dated 31.10.2022 for de-sealing due to damage of cubical box, the M&P team visited the premises of the appellant but accuracy of the meter could not be checked as supply was found disconnected. The meter was removed and handed over to the respondent SDO for retesting and data analysis from M&T Lab. The meter was checked in M&T Lab on 07.11.2022 and its report is as under:

“Meter checked in lab & found that meter no display. Accuracy & final reading could not be checked due to no display in meter. Data cannot be downloaded being old software meter. Hence meter is internally defective. Action be taken as per Nigam instructions.”

In view of the above facts and circumstances, the contention of the appellant that the respondents be directed to overhaul the bills of petitioner from December 2020 to February 2023 on the basis of either the consumption pattern recorded either before the development of internal defect or after the replacement of the new meter, as per instructions of the Nigam, cannot be accepted as the meter accuracy was found within permissible limit on 21.11.2021 and 28.09.2022. However, the account of the appellant may be overhauled as per Nigam’s instructions for the period from 29.09.2022 to 03.11.2022 (date of removal of the old meter from site). New meter was installed by the respondent on 07.11.2022.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 27th December, 2023.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 27th December, 2023

CC-

Memo. No. HERC/EO/Appeal No. 87/2023/4098-4104

Dated: 29.12.2023

1. M/s Indus Towers Limited, 4th Floor, Building 10, Tower B, Cyber City, Gurugram (Email sanjeevchopradhbvn@gmail.com).

2. The Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, Vidyut Nagar, Hisar -125005 (Email md@dhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula – 134109 (Email lr@hvpn.org.in).
4. The Chief Engineer 'Operation', Dakshin Haryana Bijli Vitran Nigam Limited, Delhi Zone, Gurugram (Email ceopdelhi@dhbvn.org.in).
5. The SE/OP Circle, Gurugram-II, 2nd Floor, Housing Board Complex, Saraswati Vihar, MG Road, Gurugram-122002 (Email seop2gurugram@dhbvn.org.in).
6. The Executive Engineer 'Operation', S/U Division, Dakshin Haryana Bijli Vitran Nigam Limited, Gurugram (Email xenopsuburbangurugram@dhbvn.org.in).
7. The SDO (Operation), Sub Division, Sector-23, Dakshin Haryana Bijli Vitran Nigam Limited, Gurugram (Email sdoopsector23ggm@dhbvn.org.in).

Appeal No. 87/2023/EO