



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 : 94/2023
Registered on : 18.10.2023
Date of Order : 24.04.2024

In the matter of: -

Appeal under Section 42 (6) of the Electricity Act, 2003 read with Regulation 3.16 of Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 against the order dated 24.08.2023 passed by CGRF DHBVNL, Gurugram in case No. 4531/2023.

Smt. Prema Devi, F 17/4, DLF PHASE-I, Gurugram

Appellant

Versus

1. The XEN Operation, Sub Urban Division, DHBVN Gurugram
2. The SDO Operation, Sub Division, DLF, DHBVN, Gurugram

Respondent

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Sanjeev Chopra

Sh. Akshay Gupta, Advocate

Present on behalf of Respondents:

Shri Satish Dhaniala, SDO (Operations), Sub Division, CCC DLF, Gurugram.

ORDER

A. Smt. Prema Devi has filed an appeal against the order dated 24.08.2023 passed by CGRF DHBVNL in case No. 4531/2023. The appellant has requested the following relief: -

1. That Smt. Prema Devi w/o late Sh. Chandan Singh, is a resident of House no. 239/18, Shanti Nagar, Gurugram.
2. That she constructed her property at plot no. F 17/4, DLF Phase I, Gurugram and a 19 kW connection was running at the premises till late 2019. She extended the construction thereafter and applied for an HT NDS connection with a connected load of 120 kW.
3. That on 20th March 2020, the HTNDS connection was released and since then, she is a consumer of DHBVN under HT NDS category bearing account no. 5910907589 in Sub Division 'OP' DLF, Gurugram under the jurisdiction of Suburban Division, Gurugram. She filed a complaint for redressal of her grievance before the Ld. Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram (hereinafter referred to as CGRF). The complaint was regarding highly inflated bill which she has been receiving since the first bill in the month of July 2020 up to the latest bill in the month of July 2023 which is of an amount of Rs. 35,71,764/-.

The complaint was registered vide case number DH/CGRF/4531/2023 dated 07.07.2023 and listed for its first hearing on 19.07.2023. Next two dates of hearings were 08.08.2023 and 18.08.2023. The complainant made her written submission explaining all the facts on the 1st date of hearing on 19.07.2023. The respondent no. 1 SDO Operation DLF subdivision submitted reply before the next date of hearing on 08.08.2023 vide memo no. 11831 dated 03.08.2023. The complainant requested for granting another date for filing of the reply. In the next hearing held on 18.08.2023, the complainant due to some extreme emergency could not appear and made a request to grant another date for filing objections and for detailed arguments. But the Ld. CGRF instead of granting another date closed the matter without giving an 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 since its installation and had remained defective for almost one and a half (1 ½) years and the bills continued to be generated on the basis of average / defective readings only which has not been disclosed in the SDO's reply. The SDO's reply speaks only about the low power factor but has not touched upon any investigative reason for such a low factor especially when the load of the premises is mainly the lighting and air conditioning. It is pertinent to mention here that there is no motive load in the premises. 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 and in the initial bills issued on RNT "Reading Not Taken" basis. 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 24.08.2023 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.

4. That the Petitioner/Complainant 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 her because the meter had gone defective from the beginning itself and abnormally high consumptions and MDIs were recorded since its installation in the month of March 2020 till it was replaced with a new one on 03.08.2021 i.e. after almost 1½ years. The SDO's reply dated 03.08.2023 mentions report of M&T lab but it has failed to realize that checking in the laboratory is at static load without any capacitive load whereas at the premises, capacitors were also installed on the date of release of connection which inadvertently remained ON during the COVID period and subsequently at low loads as well.

Brief Facts of the case:

1. That the complainant has a regular electricity connection under DLF subdivision, DHBVN, Gurugram and the account no. is 5910907589 under HT NDS category
2. That the electricity connection is for the premises having residence and commercial load on the 1st and 2nd floors. The connected load is mainly the lighting and the air conditioning.
3. That the sanctioned load of the connection is 120 kW
4. That the supply runs through a HT CT/PT Meter
5. That the complaint filed before the Ld. CGRF was against the issue of wrong and highly inflated bills since its installation in March 2020 up to its replacement in the month of August 2021.
6. That the complaint was given a case no. 4531 / 2023 by the hon'ble Forum
7. That the complainant has been paying the electricity bills regularly and partially because the highly inflated bills had been issued one after the other
8. That the premises got ready for occupation in the middle of March 2020 and an HT NDS connection was duly released on 20.03.2020. Capacitors of 40 kVAR were also installed the same day and duly checked by the installation team of DHBVN. But before it could be occupied from the next month i.e. April 2020, nationwide lockdown was declared on 24.03.2020 and consequently, the premises could not be occupied. Therefore, no electricity consumption.
9. That the complainant quite unexpectedly received the 1st bill in the month of July 2020 for an amount of Rs. 5,00,000/-. It was quite shocking for the complainant to receive such a bill for a vacant premise. This bill was

on RNT basis and the subdivision assured that there was nothing to worry and that the next bill would be issued on actual reading. As advised by the subdivision, the complainant deposited Rs. 1,00,000/- as a lumpsum amount with a faith that next bill would be a corrected one.

10. That the next bill which came in the month of October 2020, when the premises was still vacant, was for an amount of Rs. 10,00,000/-. Again, it was on RNT basis. Yet again, as advised by the subdivision, the complainant deposited Rs. 2,00,000/- on 30.10.2020 as lumpsum amount.
11. That the next bill came in December 2020 for an amount of Rs. 13,00,000/- and this bill was on some reading shown to have recorded in the meter. Since the premises was still vacant and unoccupied, successively such inflated bills were truly shocking for the complainant. On enquiry from the subdivision, it was suggested that there could be some fault in the meter due to which there was lot of difference between kWh and kVAh readings and that the complainant should make a request for checking of the meter. The complainant accordingly made a request to check the meter.
12. That the meter was not checked and it continued further with the same fault persisting. In March 2021, the complainant again approached the subdivision with a request to check the meter working but he was told that since it was an HT connection, M&P team would come and check the meter. However, the subdivision advised the complainant to deposit Rs. 5,00,000/- as a part payment which the complainant complied with.
13. That the subdivision JE and his staff checked the working of meter and submitted a report that kVAh being recorded in the meter was abnormal and therefore it should be checked by the M&P team. On the basis of this report, the SDO DLF subdivision wrote a letter to XEN M&P, Gurugram vide his office memo no. 5362 dated 25.03.2021.
14. That the M&P team checked the meter at site but did not give any copy of the checking report to the complainant.
15. That the problem did not end here. The inflated bills continued to come. In June 2021, the subdivision again advised to get the meter checked from M&P. As advised, the complainant again submitted the application for getting his meter checked. Again the M&P team came, checked the meter but did not give any checking report to the complainant.

16. That when there was no satisfactory reply from the subdivision, the complainant again went to the subdivision to take advice. He was advised that because the meter seemed to be faulty, he should make a request for change of the meter and that the complete period since March 2020 would be corrected on the basis of new meter consumption pattern.
17. That the respondent no. 1 again wrote a letter to XEN M&P vide his office memo no. 5852 dated 27.07.2021 stating that meter of the complainant had become defective as per JE report and therefore should be checked and replaced.
18. Finally the meter was replaced with new one on 03.08.2021.
19. That with the new meter installed, all problem got over. With the same load and same running hours etc., the kWh and kVAh readings started coming very normal and there were only marginal difference between the two.
20. But the abnormally high bills which had continuously been coming since March 2020 up to the date of installation of new meter have not been corrected and the subdivision started telling that these bills would have to be paid.
21. That the complainant has been running from pillar to post to get the redressal of her genuine grievance, which subdivision had also been admitting till recently, but no relief has been granted by any of the authorities of the respondents.
22. That the complainant has been depositing current bills of the consumptions in the new meter with an assurance every time that around Rs. 21,00,000/- would finally be nullified as and when the issue regarding defectiveness of the previous meter is settled.
23. That another important issue which needs to be raised here is that in the bills received initially during 2020 up to December 2020, the meter serial number shown on the bills was GP1018724 whereas after January 2021, the meter serial number shown on the bills is X1242921. Despite this issue having been raised before the Ld. CGRF also, no reply in this regard has been received from the subdivision. The M&P data made available for this meter is from October 2020 onwards up to its replacement in August 2021. Had this data been taken out by the subdivision or by the M&P from the date of its installation in March 2020, the internal defect would have come to notice in the initial months itself. This issue of change of serial

no. of the meter in-between could also be one of the major reasons for inflated bills because entry of wrong particulars of meters in billing system generates wrong bills.

24. Given below is the table which has been copied from the consumer's account ledger being maintained in the computerized billing system. It gives the billing month starting from March 2020 when the load was increased from 19 kW to 120 kW and after the HT CT/PT meter was installed up to the current month of September 2023.

BILL Month	OLD READING	NEW READING	DIFFERENCE (NEW-OLD)	MF	UNITS CONSUMED (KWH)	UNITS CONSUMED (KVAH)	POWER FACTOR	MDI
Sep 23	230863	242723	11860	2	23720	24909	0.95	96.12
Aug 23	216466	230863	14397	2	28794	29696	0.97	98.68
Jul 23	203656.5	216466	12809.5	2	25619	26392	0.97	90.84
Jun 23	190714.5	203656.5	12942	2	25884	26651	0.97	90.24
May 23	182168.5	190714.5	8546	2	17092	17524	0.98	77.68
Apr 23	174151	182168.5	8017.5	2	16035	16895	0.95	55.76
Mar 23	168345	174151	5806	2	11612	12099	0.96	45.24
Feb 23	163220.5	168345	5124.5	2	10249	10492	0.98	42.92
Jan 23	158017.5	163220.5	5203	2	10406	10711	0.97	46.72
Dec 22	151537.5	158017.5	6480	2	12960	13510	0.96	47.8
Nov 22	142724.5	151537.5	8813	2	17626	18940	0.93	79.88
Oct 22	129841	142724.5	12883.5	2	25767	27181	0.95	84.2
Sep 22	116570	129841	13271	2	26542	27780	0.96	86.88
Aug 22	102896	116570	13674	2	27348	28767	0.95	85.76
Jul 22	87627.5	102896	15268.5	2	30537	32052	0.95	95.96
Jun 22	72467	87627.5	15160.5	2	30321	31639	0.96	90.32
May 22	60379.5	72467	12087.5	2	24175	24970	0.97	78.36
Apr 22	51484.5	60379.5	8895	2	17790	18693	0.95	66.36
Mar 22	46902	51484.5	4582.5	2	9165	9664	0.95	36.96
Feb 22	42829.5	46902	4072.5	2	8145	8709	0.94	32.2
Jan 22	38085.5	42829.5	4744	2	9488	10048	0.94	45.64
Dec 21	33137.5	38085.5	4948	2	9896	10667	0.93	51.04
Nov 21	23464.5	33137.5	9673	2	19346	21075	0.92	90.12
Oct 21	11832.5	23464.5	11632	2	23264	25067	0.93	80.12
Sep 21	69	11832.5	11763.5	2	25369	27380	0.93	81.16
Aug 21	81353	94844	13491	2	26982	28679.04	0.94	81.96
Jul 21	72511	81353	8842	2	17684	18541.96	0.95	82.64
Jun 21	70171	72511	2340	2	4680	4783	0.98	40.56
May 21	51653.51	70171	18517.49	2	37035	71960	0.51	76.52
Apr 21	51653.51	51653.51	0	2	0.02	0.02	1.00	52.32
Mar 21	45712	51653.5	5941.5	2	11883	31961	0.37	52.32
Feb 21	40444	45712	5268	2	10536	32015	0.33	48.64
Jan 21	35574.5	40444	4869.5	2	9739	28726	0.34	30
Dec 20	31059.5	35574.5	4515	2	9030	32057	0.28	29.04
Nov 20	32	31059.5	31027.5	2	62055	208292	0.30	47.44
Nov 20	0	0	0	2	2180.48	20666.66	0.11	0
Oct 20	0	0	0	2	6471.14	61333.34	0.11	0
Sep 20	0	0	0	2	4290.64	40666.66	0.11	0
May 20	0	0	0	2	2110.16	20000	0.11	0
Apr 20	33	0	33	2	-66	-66	1.00	0
Feb 20	1	13928	13927	1	13927	0	-	0
Feb 20	0	0	0	1	0	0	-	0

Dec 19	0	0	0	1	0	0	-	0
Oct 19	1	0	1	1	-1	0	-	0

25. That it is evident from the above ledger that no reading could be taken due to COVID restrictions imposed w.e.f. March 2020. It is also evident that for the first around 8 months, the bills generated were on RNT basis. The 1st bill as per reading came in November 2020 for a consumption of 62055 units in kWh and 208292 units in kVAH. It is needless to say that these 8 months were the months when there were strict COVID restrictions and the premises remained vacant due to almost Zero commercial activity. Under these conditions when the premises remained vacant, a consumption of around 7756 units per month in kWh and 26036 units in kVAH by no means was justified. It shows that not only there was abnormality in kVAH recording but there was abnormality in kWh recording also causing abnormal consumption in kWh as well as kVAh. Quite possible that the consumption in kWh could be of the power consumed by the capacitors of 40 kVAR which inadvertently remained ON due to sudden Lockdown.
26. That another important thing which comes out of the above table is a look at the Power Factor. It can be seen that electrical load having remained same as that of lighting and air conditioning, the power factor after replacement of new meter in August 2021 remained above 0.95 throughout till date. Whereas if we look at the power factor of the previous meter, it has varied from 0.11 to 0.37 further strengthening the argument that there was some internal fault in the meter because despite running of low loads and capacitors having remained ON, there was no reason for the power factor to go that low in lagging.
27. That the subdivision being a technical department should have scrutinized / evaluated the reasons of abnormally high billing themselves or it should have been scrutinized / taken care of at the level of hon'ble Forum.
28. That the respondent no. 1 did try to resolve the matter at its end and the then SDO DLF subdivision had made calculations for assessing the refund amount and had sent to CBO Hisar also but it is not known due to what reason the same could not be effected and also the same was not placed before the Ld. CGRF by the present SDO DLF. According to this calculation, the bills generated during the previous meter were proposed to be overhauled on the basis of power factor and consumption recorded

with the new meter. A perusal of this detail shows that the SDO had used his knowledge and technical prudence to overhaul the account of complainant and a refund of Rs. 21,17,480/- was arrived at. This is exactly the amount of the refund which had been assured to the complainant every time she visited the subdivision, as also stated in para "22" above. But the Ld. Forum in the impugned order did not mention at all about this document and a matter which could have been easily resolved at Ld. Forum level has now to be filed before the hon'ble Electricity Ombudsman.

29. 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.
30. 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.
31. That the meter reading data clearly proves that the meter had developed an internal fault since day one and it remained defective till it was replaced in August 2021.

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 the date of installation of 1st HT CT/PT meter in March 2020 up to its replacement in August 2021 on the basis of the power factor recorded by the new meter from September 2021 to September 2023. Two years data being sufficient enough to rely upon and the type of load having remained the same, it would bring justice to the complainant as well as no undue loss to the DHBVN.
- (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 18.10.2023 as an appeal No. 94/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 21.11.2023.
- C.** The respondent SDO vide email dated 18.11.2023 has submitted reply which is as under: -

In this regard, it is submitted that a connection in the name of Smt. Prema Devi under HT/NDS category bearing account no. 5910907589 having load 120 KW is existing under this Sub-Division. Consumer has made the complaint before Hon'ble CGRF DHBVN Gurugram vide case No. 4531/GGN/2023 for rectification of energy bill. This office has submitted the reply and case was decided in favour of Nigam. During scrutiny & analyzing the billing details of the consumer it has been gathered that huge difference was occurred due to low power factor which is required to be maintained by the consumer itself as well as the accuracy of the meter bearing sr. no X1242921 was checked by M&P team vide MT-1 No. 94/1539 dated 03/08/2021 wherein the accuracy of the meter was found within permissible limit. Accuracy of HT meter is checked by the M&P team and action on the report of M&P is taken by operation wing. As per record of this office meter serial no. X1242921 shown in the bill for the month of Dec-2020 instead of meter serial No. GP1018724.

Point was reply is as under: -

1. It is a matter of record.
2. A connection in the name of Smt. Prema Devi under HT/NDS category bearing account no. 5910907589 having load 120 KW is existing from 11/03/2020 as per record of CCB.
3. Consumer has made the complaint before Hon'ble CGRF DHBVN Gurugram vide case No. 4531/GGN/2023 for rectification of energy bill. This office has submitted the reply and case was decided in favour of Nigam. During scrutiny & analyzing the billing details of the consumer it has been gathered that huge difference was occurred due to low power factor which is required to be maintained by the consumer itself as well as the accuracy of the meter bearing sr. no X1242921 was checked by M&P team vide MT-1 No. 94/1539 dated 03/08/2021 wherein the accuracy of the meter was found within permissible limit. Accuracy of HT meter is checked by the M&P team and action on the report of M&P is taken by operation wing. As per record of this office meter serial no. X1242921 shown in the bill for the month of Dec-2020 instead of meter serial No. GP1018724.

4. Meter was got checked in the M&T lab and data of pervious period recorded by the meter was downloaded and M&T lab submitted the report of data. As per M&P report meter was working with in permissible limit as per MT-1 No 94/1539.

In view of the above facts, it is very much clear that the huge difference in KWH & KVAH was noticed due to low power factor which was required to be maintained by the consumer itself & the bill of the consumer is found genuine as per actual consumption recorded by the energy meter.

- D.** Hearing was held on 21.11.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant requested for short adjournment being reply just received. Acceding to the request the matter was adjourned for hearing on 19.12.2023 and the appellant was directed to file counter reply if any within seven days with an advance copy to the respondent.
- E.** Hearing was held on 19.12.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that some documents related to checking of meter by M&P has been received and required some time to go through and respond. Acceding to the request the matter was adjourned for hearing on 10.01.2024.
- F.** Shri Sanjeev Kumar Chopra, authorized representative of the appellant vide email dated 09.01.2024 has submitted rejoinder, which is reproduced as under: That the contents of the reply submitted by the respondent are false, misleading and an attempt to put a cover on their mistakes and harassment caused to the complainant petitioner.

Preliminary:

- i. The respondent in his reply has submitted the meter data of a meter having Serial number X1242921 and claiming that this meter was ok and there was a low power factor of consumer's load due to non-installation of or not proper working of capacitors. The submission given by the respondent is misleading because the meter installed at the premises of consumer was having serial number GP1018724 and make Genus/HT meter.
- ii. The connection of complainant petitioner was energised on 20th March-2020.
- iii. That from 23rd March 2020 there was a complete shutdown in India because of Nationwide Lockdown due to COVID 19.

- iv. The premise of the complainant petitioner was also shut down.
- v. The complainant petitioner received the first bill in the month of June-2020 for period 01-04-2020 to 01-05-2020, this bill was issued on RNT basis.

Parameters as showing in the bill are tabulated below for better understanding:

MDI	Old Reading	New Reading	Consumed Unit	Reading Remark	Current Cycle Charges	Arear	Total Due Amount
0	0			RNT	158065	128122	283113

In this bill the previous consumption pattern is showing as below:

Bill Month	Units KWH	Units KVAH	MDI	Status
Mar-20	13927	0	0	OK
April--20	1969	18666	0	PR

The major law point involve here is:

There was a complete lockdown imposed by the Administration and all the commercial spaces were completely closed and in such a situation how is it possible that a commercial site consumed around 20000 units.

- vi. Complainant petitioner immediately rushed to the office of respondent and the respondent assured him that the bill would be corrected in next month.
- vii. Next month again, the complainant petitioner had to rush to the office of respondent to and submit an application for issuing correct bill and checking of the meter. Again he was assured by the respondent that bill would be corrected soon and asked him to pay 1 lac rupee as part payment. Complainant petitioner deposited the 1 lac rupee vide receipt number 591090795745 on 22-07-2020. All these details can be verified from the bill.
- viii. Complainant petitioner received next bill on 08-09-2020 for period 01-05-2020 to 01-07-2020 for 61 Days, here too the meter Serial Number is GP1018724 and make Genus/ HT meter. This bill was too on RNT basis. Respondent didn't bother to issue a correct bill to the complainant petitioner. It is quite interesting that the bills issued on RNT basis and reading consumed column was blank while in the next bill if we go through the previous consumption pattern then both KWH and KVAH readings are found filled therein. This confirms the malafide intention of the respondent

- ix. Parameters as showing in the bill are tabulated below for better understanding:

MDI	Old Reading	New Reading	Consumed Unit	Reading Remark	Current Cycle Charges	Arear	Total Due Amount
0	0			RNT	321399	195781	517181

In this bill the previous consumption pattern is showing as below:

Bill Month	Units KWH	Units KVAH	MDI	Status
Mar-20	13927	0	0	OK
April--20	1969	18666	0	PR
May—20	2110.16	20000	0	PR

- x. Complainant petitioner received the next bill in Oct-2020 for period 01-07-2020 to 01-10-2020 for 92 Days here too the meter Serial Number is **GP1018724 and make Genus/ HT meter**. This bill is too on RNT basis.

MDI	Old Reading	New Reading	Consumed Unit	Reading Remark	Current Cycle Charges	Arear	Total Due Amount
0	0	0		RNT	484733	524750	1009484

In this bill the previous consumption pattern is showing as below:

Bill Month	Units KWH	Units KVAH	MDI	Status
Mar-20	13927	0	0	OK
April--20	1969	18666	0	PR
May—20	2110.16	20000	0	PR
Sep-20	4290.64	40666.66	0	PR

On Merits

1. That the meter installed at the time of release of connection in March 2020 was not X1242921 but it was GP1018724. This meter was defective and having erratic behavior. The fictitious bills were issued to the consumer.
2. That in the bills issued prior to December 2020, the meter serial number shown on the bills was GP1018724
3. That it is because of this very reason that details of Meter Sr. no. X1242921 prior to January 2021 have not been provided by the respondents
4. That as per bills generated and served upon the petitioner up to June 2021, the detail of previous consumption is tabulated as under for ready reference:

Bill Month	Units kWh	Units kVAh	MDI	Status
(Meter Sr. no. GP1018724)				
Mar 2020	13927	0	0	OK
Apr 2020	1969.66	18666.66	0	PR
May 2020	2110.16	20000	0	PR
Sep 2020	4230.64	40666.66	0	PR
Nov 2020	62055	208232	47.44	OK
(Meter Sr. no. X1242921)				
Dec 2020	9039	32057	29.04	OK
Jan 2021	9739	28726	30	OK

Feb 2021	10536	32015	48.64	OK
Mar 2021	11883	31961	52.32	OK
May 2021	37035	71960	76.52	OK
Jun 2021	4680	4783	44.96	OK

5. That the respondents have not explained as to how the consumption of 13927 kWh was billed for the month of March 2020 when the connection was released on 20.03.2020 only and there was a complete lockdown imposed from 24th March 2020.
6. That if the total units consumed as shown in the “OK Status” bills from March 2020 to March 2021 are added, the total comes to $13927 + 62055 + 9030 + 9739 + 10536 + 11883 = 1,17,179$ units whereas the last reading on 01.03.2021 as shown in the bill for March 2021 was 51653.50 only
7. That if the total units consumed as shown in the “OK Status” bills from March 2020 to June 2021 are added, the total comes to $13927 + 62055 + 9030 + 9739 + 10536 + 11883 + 37035 + 4086 = 1,58,300$ units whereas the reading on 01.06.2021 as shown in the bill for June 2021 is 72511 only.
8. That the respondent may explain as to how the petitioner has been billed for 1,58,300 units upto June 2021 when the last reading in the meter on 01.06.2021 was only 72511
9. That if the units consumed (kWh) are added from December 2020 (when the meter serial number on the bill started showing X1242921 for the first time) up to June 2021, the total comes to $9030 + 9739 + 10536 + 11883 + 37035 + 4086 = 78,223$ units which almost matches the last reading shown in the bill for June 2021. This amply proves that the meter with serial no. X1242921 was not installed at the petitioner’s premises before December 2020 and that possibly it was GP1018724 and that is why the meter data of meter no. X1242921 prior to December 2020 is not available with the respondents
10. That the respondents may also place on record the meter reading details and data of the meter GP1018124 which was presumably installed at premises up to November 2020 or mid-December 2020
11. That the respondents in their reply have referred to the checking of the meter no. X1242921 by M&P team on 03.08.2021 which is of no relevance because the whole dispute relates to the period from March 2020 to December 2020, when the meter installed was possibly GP1018724 and not X1242921

12. That the respondents, being a technical department should have investigated the matter on their own but since the sufferer is the petitioner, the technical scrutiny of the meter data has been placed above.
13. That on regular pursuance of complainant petitioner the then SDO was admitted that the wrong bill issued to the complainant petitioner and handmade a sundry by his own and given it to complainant petitioner.

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 the date of installation of 1st HT CT/PT meter in March 2020 up to its replacement in August 2021 on the basis of the power factor recorded by the new meter from September 2021 to September 2023 as per the submission of the then SDO. Two years data being sufficient enough to rely upon and the type of load having remained the same, it would bring justice to the complainant as well as no undue loss to the DHBVN.

G. Hearing was held on 10.01.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO requested for short adjournment to file reply to the rejoinder which was received today only. The respondent SDO was directed to file the detailed reply within week, with an advance copy the appellant. Acceding to the request of the respondent, the matter was adjourned for hearing on 29.01.2024.

H. The respondent SDO vide email dated 29.01.2024 has submitted reply on the rejoinder filed by appellant, which is reproduced as under: -

1. Consumer Smt. Prema Devi having account no 5910907589 the connection in NDS category with load 19 Kw and 3 phase smart meter sr. no GP1018724 was existing. Consumer applied for extension of load vide application no. G21-1119-227 from 19 Kw to 120 Kw and load was extended by replacing the LT smart meter sr no GP1018724 to HT meter sr. no X1242921 vide MT- 1 No. 65/1382 dated 05.03.2020 issued by the Xen M&P Divn Gurugram on which consumer has also signed.

2. Regarding point no 4,5,6 and 7 it is intimated that meter serial No. GP 1018724 was removed on final reading 13928 as per CA-22 record (Copy attached as Annexure-B). HT meter serial no. X1242921 was updated in the record and bill for the month of Nov-2020 was issued from 05.03.2020 to 01.11.2020 in which detail of old and new reading with total consumed units has been shown. Provisional/BR adjustment of Rs. 1275058.44 and LPS adjustment of Rs. 4706.00 was made.
3. Regarding point No 8 of rejoinder bill for the month of Jun-2021 was issued of new reading 72511 KWH and 204930 KVAH as HT meter was already updated in the bill for the month of Nov-2020. As per tariff schedule HT-NDS billing is being made KVAH billing instead of KWH billing.
4. Regarding point No. 9 it is intimated that detail has been given in the point no.2 and 3. Meter serial no. X1242921 was actually installed on dated 05.03.2020 as per MT-1 which cannot be denied as the consumer has signed on the MT-1.
5. Regarding point no. 10 detail of meter sr. no. GP1018124 which was removed at the time of extension of load has been entered in CA-22.
6. Regarding point No.11 meter sr. no was checked by the M&P team on the request of consumer as he also mentioned in the complaint/plaint as point no. 11 of brief facts of the case.
7. Regarding point no 12 it is submitted that in case of checking of meter only M&P wing is authorized and M&P team has checked the accuracy of meter serial no X1242921 at site on dated 03.08.2021 before effecting MCO vide MT-1 No 94/1539 dated 03.08.2021 it has been clearly mentioned accuracy of meter found within permissible limit.
8. Regarding point no. 13 no such adjustment was made as accuracy of meter was checked by the M&P on dated 03.08.2021 as given reply in point no. 7.

From the above it is submitted that consumer did not maintain proper power factor due to which KVAH components was high. Bills raised to the consumer are correct as per consumption.

- I. Hearing was held 29.01.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that response on the rejoinder by the respondent has received today and further, he requested to direct the respondent to provide reply

on point no. 5 to 8, the meter data from 03/2020 to 03/2021 and copy of lab testing report old meter. Accordingly, the respondent SDO is directed to provide the above information within 7 days with an advance copy to the appellant. The matter was adjourned for hearing on 21.02.2024.

J. The respondent SDO vide email dated 19.02.2024 reply in compliance of interim order dated 29.01.2024, which is reproduced as under:

In this connection pointwise reply is given as under:

1. Regarding point no. 5 of rejoinder, bill was generated on final reading 13928 of removed meter Sr. No. GP1018724 which was removed on extension of load on dt. 05.03.2020. Copy of CA-22 as already sent vide this office memo.no. 1129 dt. 27.01.2024). Extension of load was affected on 05.03.2020 instead of 20.03.2020 as per MT-1 No. 65/1382 dt.05.03.2020 (already sent vide this office memo.no. 1129 dt. 27.01.2024).
2. Regarding Point No. 6 of rejoinder, HT Meter Sr. No. X1242921 was installed on 05.03.2020 on initial reading KWH = 32 & KVAH = 33 which was updated in the month of October 2020 in the system and bill for the month of November 2020 was issued from 05.03.2020 to 01.11.2020 (242 days). As already submitted copy of bill for the month of November 2020, old reading on 05.03.2020 shown 32 KWH, 33KVAH and new reading on 01.11.2020 shown 31059.5 KWH and 104179 KVAH. Total consumed units from 05.03.2020 to 01.11.2020 are 62055 KWh and 208292 KVAH. In this bill an amount of Rs. 1275058.44 of provisional bills for the period 05.03.2020 to 01.11.2020 was adjusted with LPS Rs. 4706.00. Bills have been issued as per consumption of updated meter Sr. No. X1242921.

Detail of same is tabulated below:

Meter Sr. No.	Bill issued in Month	Meter Reading date		Period Days	Unit	Meter Reading		MF	Unit Consumed	Bill basis
		Old	New			Old	New			
X1242921	Nov-20	05.03.2020	01.11.2020	242	KWH	32	31059.5	2	62055	OK
				242	KVAH	33	104179	2	208292	OK
X1242921	Dec-20	01.11.2020	01.12.2020	30	KWH	31059.5	35574.5	2	9030	OK
				30	KVAH	104179	120207.5	2	32057	OK
X1242921	Jan-21	01.12.2020	01.01.2021	31	KWH	35574.5	40444	2	9739	OK
				31	KVAH	120207.5	134570.5	2	28726	OK
X1242921	Feb-21	01.01.2021	01.02.2021	31	KWH	40444	45712	2	10536	OK
				31	KVAH	134570.5	150578	2	32015	OK
X1242921	Mar-21	01.02.2021	01.03.2021	28	KWH	45712	51653.5	2	11883	OK
				28	KVAH	150578	166558.5	2	31961	OK
X1242921	Apr-21	01.03.2021	02.03.2021	1	KWH	51653.5	51653.51	2	0.02	PR
				1	KVAH	166558.5	166558.51	2	0.02	PR
X1242921	May-21	02.03.2021	01.05.2021	60	KWH	51653.51	70171	2	37034.98	OK
				60	KVAH	166558.5	202538.5	2	71959.98	OK
X1242921	Jun-21	01.05.2021	01.06.2021	31	KWH	70171	72511	2	4680	OK
				31	KVAH	202538.5	204930	2	4783	OK

From the above data bill issued are correct as 13927 units were recorded by meter sr.no. GP1018724 which was removed on 05.03.2020. After deduction of 13927 units from 117170, balance units are 103243 KWH which were recorded by Meter Sr. No. X1242921 from 05.03.2020 to 01.03.2021. Reading of Meter Sr.No. X1242921 on 01.03.2021 was 51653.5 KWH and 166558.5 KVAH. If this reading multiply by MF 2 than consumption becomes 103307 but meter was installed on IR 32 KWH than 64 units are also to be deducted. Hence balance consumption is $103307 - 64 = 103243$.

3. Regarding point No. 7, as per above table, new reading from 01.05.2021 to 01.06.2021 shown 72511 KWH and 204930 KVAH hence total units recorded by meter are $72511 - 32 = 72479 \times 2 = 144958$ instead of 158300.
 4. Regarding Point No. 8 as explained in point no. 3 above.
 5. Copy of data of meter sr.no. X 1242921 from 03/2020 to 03/2021 is attached.
 6. Copy of Challan no. 99/501 dt. 14.03.2020 is attached through which meter returned to L&T firm. Smart meters are not tested by M&T Lab.
- K.** Hearing was held on 21.02.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that some of documents have been received from the respondent today and requested for short adjournment to go through the same. Acceding to the request, the matter was adjourned and shall now be heard on 06.03.2024.
- L.** The counsel and authorized representative of the appellant vide email dated 05.03.2024 has submitted reply on the reply submitted by the respondent on 19.02.2024, which is reproduced as under:
1. That reply submitted by the respondent SDO is not in compliance to the directions issued by Hon'ble Ombudsman during the last hearing on 20.02.2024.
 2. That it was clearly directed in the last interim order to provide us the meter data from the date of its installation at petitioner's premises which the respondent say had been installed in March 2020. But the meter data attached along with his reply dated 19.02.2024 is same which had been submitted earlier. To elaborate, the data provided and now attached again is for the period as under:

History 1 01.09.2021

History 2	01.08.2021
History 3	01.07.2021
History 4	01.06.2021
History 5	01.05.2021
History 6	01.04.2021
History 7	01.03.2021
History 8	01.02.2021
History 9	01.01.2021
History 10	01.12.2020
History 11	01.11.2020
History 12	01.10.2021

The above attachments give meter data from October 2020 to September 2021 whereas the petitioner has been requesting the respondents to provide meter data from its date of installation i.e. 05.03.2020 (as per respondent's own reply) up to October / November 2020 which is the actual period of dispute because there was a complete lockdown from March 2020 onwards for almost a year.

3. That the respondents have not submitted the meter data from the date of installation i.e. March 2020, in the absence of which arguments cannot take place.
4. That in the last interim order, it was clearly directed that specific replies to para nos. 5, 6, 7 & 8 of petitioner's rejoinder should be submitted. But the reply of respondent SDO dated 19.02.2024 does not mention / clarify any of the questions / issues raised in the petitioner's rejoinder.
5. For the purpose of ready reference, the issues raised in the rejoinder are again listed below:
 1. *That as per bills generated and served upon the petitioner up to June 2021, the detail of previous consumption is tabulated as under for ready reference:*

Bill Month	Units kWh	Units kVAh	MDI	Status
(Meter Sr. no. GP1018724)				
<i>Mar 2020</i>	<i>13927</i>	<i>0</i>	<i>0</i>	<i>OK</i>
<i>Apr 2020</i>	<i>1969.66</i>	<i>18666.66</i>	<i>0</i>	<i>PR</i>
<i>May 2020</i>	<i>2110.16</i>	<i>20000</i>	<i>0</i>	<i>PR</i>
<i>Sep 2020</i>	<i>4230.64</i>	<i>40666.66</i>	<i>0</i>	<i>PR</i>
<i>Nov 2020</i>	<i>62055</i>	<i>208232</i>	<i>47.44</i>	<i>OK</i>
(Meter Sr. no. X1242921)				
<i>Dec 2020</i>	<i>9039</i>	<i>32057</i>	<i>29.04</i>	<i>OK</i>
<i>Jan 2021</i>	<i>9739</i>	<i>28726</i>	<i>30</i>	<i>OK</i>
<i>Feb 2021</i>	<i>10536</i>	<i>32015</i>	<i>48.64</i>	<i>OK</i>
<i>Mar 2021</i>	<i>11883</i>	<i>31961</i>	<i>52.32</i>	<i>OK</i>
<i>May 2021</i>	<i>37035</i>	<i>71960</i>	<i>76.52</i>	<i>OK</i>
<i>Jun 2021</i>	<i>4680</i>	<i>4783</i>	<i>44.96</i>	<i>OK</i>

2. *That the respondents have not explained as to how the consumption of 13927 kWh was billed for the month of March 2020 when the connection was released on 20.03.2020 only*
3. *That if the total units consumed as shown in the "OK Status" bills from March 2020 to March 2021 are added, the total comes to 13927 + 62055 + 9030 + 9739 + 10536 + 11883 = 1,17,179 units whereas the last reading on 01.03.2021 as shown in the bill for March 2021 was 51653.50 only*
4. *That if the total units consumed as shown in the "OK Status" bills from March 2020 to June 2021 are added, the total comes to 13927 + 62055 + 9030 + 9739 + 10536 + 11883 + 37035 + 4086 = 1,58,300 units whereas the reading on 01.06.2021 as shown in the bill for June 2021 is 72511 only*
6. That the respondents may also place on record the meter reading details and data of the meter GP1018124 which was presumably installed at premises up to November 2020 or mid-December 2020
7. That the respondents may go through their own record and the bills issued and come out with the facts of the case which have not come on record as of now
8. That contents of para 5 of the respondent's reply is wrong. The meter data submitted starts from November 2020 and not from March 2020 as claimed by the respondent.

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 the date of installation of 1st HT CT/PT meter in March 2020 up to its replacement in August 2021 on the basis of the power factor recorded by the new meter from September 2021 to September 2023. Two years' data being sufficient enough to rely upon and the type of load having remained the same, it would bring justice to the complainant as well as no undue loss to the DHBVN.

M. Hearing was held on 06.03.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that no consumption data has been provided w.e.f. date of installation of HT meter i.e. 05.03.2020. The respondent SDO was directed to provide the same with an advance copy to the appellant. The matter was adjourned for hearing on 27.03.2024.

N. The respondent SDO vide email dated 22.03.2024 has submitted reply in compliance of interim order dated 06.03.2024, which is reproduced as under:

In this connection pointwise reply of rejoinder given as under: -

1. HT meter data Sr. No. X1242921 from Mar, 2020 to Mar, 2021 is attached herewith. In reply of this office memo no. 1240 dated 19/02/2024, detail of meter data given in which old and new reading dates of meter Sr. No. X1242921 was shown.
2. Regarding point No. 5, it is again submitted that meter sr. no GP1018724 was removed on final reading 13928 on extension of load on dated 05/03/2020 and bill for the month of Mar-2020 was issued of reading 13927 of above whole current meter. As per reading data of HT meter Sr. No. X1242921, meter was installed on initial reading 32 kwh, 32 KVAH. MF of connection is 2. In the consumption of recorded by HT meter Sr. No. X1242921, consumption of removed meter Sr. No. GP1018724 not included provisional bill for the period 05.03.2020 to 01.11.2020 of 242 days was adjusted as already intimated vide this office memo no. 1240 dated 19.02.2024.
3. Regarding point no. 6, it is again submitted that bill of Final reading 13927 of meter Sr no. GP1018724 was issued as this meter was removed on extension of load from 19 Kw to 120 Kw. Extension of load was effected on 05.03.2020 instead of 20.03.2020 as per MT-1 No. 65/1382 dated 05.03.2020 issued by XEN M&P Division Gurugram on which consumer has also signed.
4. Regarding point No. 7, it is again submitted that unit consumed shown 13927 related to meter Sr no. GP1018727 which was removed on extension of load. If 13927 units deduct from 117170 than consumed unit comes 103243 HT meter Sr no. X1242921 was installed on initial reading 32 and reading as on 01.03.2021 51621.5 and MF is 2. As such total consumption is 103243.

5. Regarding point No. 8, it is submitted that reading shown 72511 on 01.06.2021. In this point plaintiff added 13927 units of removed meter Sr no. GP1018727. As stated in above point No. 4, after deduction of 13927 units from 158291, it comes 144364. HT meter was installed on initial reading 32 and reading as on 01.06.2021 was 72511. As such net difference was 72479 and after applying of MF-2 total consumption becomes 144958. Calculation submitted by the plaintiff is wrong as shown total units consumed 158300.
6. As already submitted vide this office memo no. 1240 dated 19/2/2024, meter sr. no GP1018124 was returned to L&T firm. Smart meters are not tested by M&T lab.
7. Bills have been raised correct as per consumption recorded by the consumer. In the record submitted by the consumer is kwh consumption whereas billing in HT NDS category being made on KVAH. Detail of KWH and KVAH reading has already being given in this office memo no. 1240 dated 19.2.2024. KVAH consumption was high due to low power factor as data of this meter serial no. X1242921 has already been sent vide this office memo no. 1240 dated 19.02.2024.
8. Reply of para-5 is correct. Now data of meter from 03/2020 to 03/2021 as mentioned in point no. 1 above.

From the above record, it is submitted that bill to the consumer issued correct.

- O.** Hearing was held on 27.03.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the appellant submitted that the reply has been received two days back and requested for short adjournment to go through the same. Acceding to the request, the matter was adjourned and shall now be heard for final arguments on 09.04.2024.
- P.** The counsel and representative of the appellant vide email dated 08.04.2024 has submitted reply on the reply submitted by respondent on 22.03.2024, which is reproduced as under:
 1. That reply submitted by the respondent SDO dated 22.03.2024 still does not address the core issue of dispute. The respondent SDO in his reply has again reiterated that the new meter vide serial no. X1242921 was installed at site on 05.03.2020 but the MDM data supplied by the SDO in his reply dated 19.02.2024 was from September 2020 onwards and not

from the date of installation i.e. 05.03.2020. The MDM data provided in the previous reply is of the following period:

History 1	01.09.2021
History 2	01.08.2021
History 3	01.07.2021
History 4	01.06.2021
History 5	01.05.2021
History 6	01.04.2021
History 7	01.03.2021
History 8	01.02.2021
History 9	01.01.2021
History 10	01.12.2020
History 11	01.11.2020
History 12	01.10.2021

The data sheet now attached with the current reply is not the MDM sheet and does not give the detailed analysis which is required to establish the credentials of the meter.

2. That the data sheet now submitted by the respondent SDO is discussed as under, which does not give answer to many questions:

Month	Max. Demand kW	Reading kWh	Reading kVAh	Power Factor
March 2020	0	32	32	---
April 2020	15.58	1744	14678	0.11
May 2020	12.26	3394.5	25439	0.13
June 2020	14.04	5643	35868	0.15
July 2020	13.80	8356	47683	0.17
Aug. 2020	12.90	10977.5	59049	0.18
Sept. 2020	22.62	16499.5	72481.5	0.22
Oct. 2020	27.46	23865	86860.5	0.27
Nov. 2020	23.72	31059.5	104179	0.29
Dec. 2020	14.52	35574.5	120208	0.29
Jan. 2021	15.02	40444	134571	0.30
Feb. 2021	24.32	45712	150578	0.30
March 2021	26.16	51653.5	166559	0.31

3. That it is evident from the above data that the load enhanced by the petitioner from 19 Kw to 120 Kw was never used during the first one year after enhancement, for which the data above has been submitted by the respondent. This proves the contention of petitioner that due to COVID 19 restrictions and lockdown, the premises remained almost locked except for some light load for safety and security of the premises.
4. That the power factor recorded during the first half of the year remained from 0.11 to 0.18 whereas after September 2020, it improved a little to around 0.30. At such low loads with capacitors "ON", the power factor remained in "Leading" which is evident from such low power factors despite the capacitors in running condition.

5. That the power factors during these months remained in “Leading” can be ascertained once the MDM data is made available from March 2020 onwards. The data now supplied by the respondents is not sufficient for detailed analysis. The following table further elaborates the contention of the petitioner:

Month	Max. Demand kW	Max. Demand kVA	Power Factor as per MDI	Power Factor as per Consumption
March 2020	0	0	---	---
April 2020	15.58	38.42	0.40	0.11
May 2020	12.26	27.14	0.45	0.13
June 2020	14.04	27.32	0.51	0.15
July 2020	13.80	28.72	0.48	0.17
Aug. 2020	12.90	35.18	0.36	0.18
Sept. 2020	22.62	37.06	0.61	0.22
Oct. 2020	27.46	42.56	0.64	0.27
Nov. 2020	23.72	40.52	0.58	0.29
Dec. 2020	14.52	32.96	0.44	0.29
Jan. 2021	15.02	30.82	0.48	0.30
Feb. 2021	24.32	34.30	0.70	0.30
March 2021	26.16	39.18	0.66	0.31

That from the above table, even though the power factor on the basis of MDI recorded in kW and kVA may not give an exact picture of power factor, but it does show a considerable difference between the two power factors i.e. one on the basis of recorded MDI and the other on the basis of consumption indicating that there was no consistency in the power factors recorded by the meter.

6. That from the respondent’s reply as per para nos. 2 to 8, it can be observed that the data provided is manually filled in data instead of MDM sheet taken out from the meter memory.
7. The petitioner right through has been saying that unless the MDM sheet of the period starting from the installation data of 05.03.2020 is made available, neither the authenticity of meter readings nor the status of power factor can be ascertained whether it was leading or lagging. The respondents may thus provide the MDM sheet data from 05.03.2020 to October / November 2020 for any fruitful arguments to take place.
8. That the respondents may also place on record the meter reading details and data of the meter GP1018124 which was presumably installed at premises up to November 2020 or mid-December 2020.

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 the date of installation of 1st HT CT/PT meter in March 2020 up to its replacement in August 2021 on the basis of the power factor recorded by the new meter from September 2021 to September 2023. Two years' data being sufficient enough to rely upon and the type of load having remained the same, it would bring justice to the complainant as well as no undue loss to the DHBVN.

- Q.** Hearing was held on 09.04.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that MDM sheet from 03/2020 to 11/2020 has not been provided. Per contra the respondent SDO stated that all the meter reading data included data downloaded from meter has been provided. Further, the representative of the appellant requested to allow to check the meter reading and meter data available in the sub division. Accordingly, it is decided that the appellant/his authorized representative will sit together with the respondent SDO in the sub divisional office on 12.04.2024 at 11.00 AM and the respondent SDO will make available meter reading data record. Acceding to the request, the matter was adjourned and shall now be heard for final arguments on 18.04.2024.
- R.** Hearing was held on 18.04.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that the data has been provided by the respondent SDO which is same as already submitted. From the data it is not clear whether the power factor is leading or lagging. Both parties requested to file written arguments to adjudicate the matter. Accordingly, both the parties were allowed to submit their written arguments within 3 days.
- S.** The representative of the appellant vide email dated 22.04.2024 has submitted following written arguments on the behalf of the appellant, which are reproduced as under:
1. That the interim order by hon'ble Electricity Ombudsman dated 9th April 2024 read as under:
"... Accordingly, it is decided that the appellant / his authorized representative will sit together with the respondent SDO in the sub-

divisional office on 12.04.2024 at 11 am and the respondent SDO will make available meter reading data record....”

2. That a meeting was held in the office of respondent SDO on 12.04.2024 at the said time wherein two sets of documents were handed over by the respondent SDO. One document is 129-page detail of Instantaneous Parameters starting from 16.12.2020 to 03.08.2021. The other document is a 3-page document which gives 8-time zones break-up of the monthly consumption starting from 1st February 2020 to 1st August 2021.
3. That the major point of dispute in the petition has been that the connection was energized in March 2020 under HT commercial category and because COVID-19 lockdown was imposed w.e.f. 24th March 2020, the premises could not be occupied and practically there was no load running except for some lighting and the power consumed by the capacitor banks. Yet the electricity bills for this unoccupied period were served for huge amounts running into lacs of rupees.
4. That every time the petitioner went to the subdivision to request for a correct bill and the bill as per reading, she was told that she should make part payment and that the next bill would be a corrected one. But these bills were never corrected despite the fact the petitioner on the advice of respondent subdivision deposited more than 5 lacs from March 2020 to December 2020 despite the fact that there were no tenants and there was no consumption of electricity except for some lighting point and the consumption of the capacitor banks.
5. That right from the beginning, including in the complaint filed before the Ld. CGRF, the petitioner has been requesting the respondents to provide the meter data of the Meter Data Management System (MDM) w.e.f. March 2020 to December 2020 so that the same could be analysed to find out as to from where such high consumption in kVAh got recorded in the meter and that whether it was on account of the power factor having gone into leading.
6. That the data provided so far has not been sufficient to prove as to whether the power factor had been leading or lagging.
7. Taking up the 3-page data provided by the respondent SDO after the last hearing, the same is discussed here as under:

Month	Consumption		Average running load per hour	
	kWh	kVAh	kW	kVA
Mar 2020	1744	14678	2.34	19.73
Apr 2020	3395	25439	2.29	14.95

May 2020	5643	35868	3.02	14.02
Jun 2020	8356	47683	3.76	16.41
Jul 2020	10978	59049	3.52	15.27
Aug 2020	16500	72482	7.42	18.05
Sep 2020	23865	86861	10.23	19.97
Oct 2020	31060	104179	9.67	23.27
Nov 2020	35575	120208	6.27	22.26
Dec 2020	40444	134571	6.54	19.31
Jan 2021	45712	150578	7.08	21.51
Feb 2021	51654	166559	8.84	23.57
Mar 2021	60717	186963	12.18	27.42
Apr 2021	70171	202539	13.13	21.63
May 2021	72511	204930	3.14	3.21
Jun 2021	81353	214201	12.28	12.87
Jul 2021	94844	228541	18.13	19.27

8. That the above data shows two aspects; One, that the average running load during first 5 months i.e. from March 2020 to July 2020 remained lesser than 4 kW against a sanctioned load of 120 kW. For the next 7 months from August 2020 to February 2021, it remained lesser than 10 kW which further proves the contention of the petitioner that due to COVID-19 lockdown and the restrictions thereafter for around a year, there was practically no load on the premises and whatever meagre load has been recorded was of some lighting points and the capacitor bank only which had inadvertently remained "ON" on the day lockdown was declared.
9. That the above data shows only the time zone wise breakup of the consumption but it nowhere tells as to whether the power factor had gone into leading or lagging.
10. That the instantaneous parameters sheet gives the data starting from 16.12.2020 to 03.08.2021 (96 slots per day of 15 minutes' interval), which again is of no use. The major point of dispute starts from March 2020 up to first around 9-10 months but this data sheet does not give any data for the period in dispute.
11. That this meter was replaced in August 2021 because of the defectiveness and that is why, the instantaneous data (96 slots per day) is available only up to the date of its replacement in August 2021.
12. That in many slots of this data sheet, the running load even in December and thereafter was lesser than 10 kW which further proves that load on the premises had not built up even after one year of COVID 19 restrictions imposed in March 2020.
13. That the data sheet submitted by the respondent SDO previously is again discussed as under, which does not give answer to many questions:

Month	Max. Demand kW	Reading kWh	Reading kVAh	Power Factor
March 2020	0	32	32	---
April 2020	15.58	1744	14678	0.11
May 2020	12.26	3394.5	25439	0.13
June 2020	14.04	5643	35868	0.15
July 2020	13.80	8356	47683	0.17
Aug. 2020	12.90	10977.5	59049	0.18
Sept. 2020	22.62	16499.5	72481.5	0.22
Oct. 2020	27.46	23865	86860.5	0.27
Nov. 2020	23.72	31059.5	104179	0.29
Dec. 2020	14.52	35574.5	120208	0.29
Jan. 2021	15.02	40444	134571	0.30
Feb. 2021	24.32	45712	150578	0.30
March 2021	26.16	51653.5	166559	0.31

14. That it is evident yet again from the above data that the load enhanced by the petitioner from 19 kW to 120 kW was never used during the first one year after enhancement, for which the data above has been submitted by the respondent. This proves the contention of petitioner that due to COVID 19 restrictions and lockdown, the premises remained almost locked except for some light load for safety and security of the premises and the electricity consumed by capacitor banks.
15. That the power factor recorded during the first half of the year remained from 0.11 to 0.18 whereas after September 2020, it improved a little to around 0.30. At such low loads with capacitors "ON", the power factor remained in "Leading" which is evident from such low power factors despite the capacitors in running condition.
16. That the power factors during these months remained in "Leading" could be ascertained once the MDM data was made available from March 2020 onwards. But, the data placed on record by the respondent SDO is not sufficient for detailed analysis.
17. The petitioner right through has been saying that unless the MDM sheet of the period starting from the installation data of 05.03.2020 was made available, status of the power factor could not be ascertained whether it was leading or lagging.

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 the date of installation of 1st HT CT/PT meter in March 2020 up to its replacement in August 2021

on the basis of the power factor recorded by the new meter from September 2021 to September 2023. Two years' data being sufficient enough to rely upon and the type of load having remained the same, it would bring justice to the complainant as well as no undue loss to the DHBVN.

T. The respondent SDO vide email dated 23.04.2024 has submitted written arguments, which are reproduced as under:

1. A connection in the name of Smt. Prema Devi having account no. 5910907589 with sanctioned load 19 KW was existing in NDS category.
2. Consumer has applied for Extension of load from 19 KW to 120 KW under HT NDS category vide application No G21-1119-227 dated 21/11/2019. Extension of load was effected on 05/03/2020 as per MT-1 no 65/1382 dated 05/03/2020 in which meter sr. no X1242921 was installed.
3. Before extension of load smart meter 3 phase 4 wire whole current Sr. no GP1018724 was installed which was removed on EOL on dated 05.03.2020 with final reading 13928 as per CA-22 Sr No. 205 in which SJO/EOL no. G21-1119-227 shown. This, meter returned to L&T vide Store Challan Book No. 99/501 dt. 14.03.2020. Smart meter cannot be checked in the M&T lab of Nigam due to which removed meter checking report is not available.
4. HT meter Sr. no X1242921 was installed on 05.03.2020 on initial reading KWh-32 & KVAh-33 as per MT-1 which was updated in the month of October, 2020 in the system and bill for the month of Nov-2020 was issued from 05.03.2020 to 01.11.2020 (242 days). As per energy bill for the month of Nov, 2020 old reading on 05.03.2020 shown 32 KWh, 33 KVAh and new reading on 01.11.2020 shown 31059.5 KWh and 104179 KVAh. Total consumed units from 05.03.2020 to 01.11.2020 are 62055 KWh and 208292 KVAh. In this bill an amount of Rs. 1275058.44 of provisional bills issued for the period 05.03.2020 to 01.11.2020 was adjusted with late payment surcharge Rs. 4706.00. Bill was issued as per consumption of updated meter sr. no X1242921.
5. Due to low power factor there was huge difference in KWh and KVAh consumption. In HT NDS category as per tariff schedule billing to done on KVAh consumption. Consumer approached the office to get check the meter from M&P and also to replace the meter. Before replacement of meter Sr. No. X1242921, M&P checked the accuracy of meter at site vide MT-1 No. 94/1539 dated 03.08.2021 which was found within permissible

limit and meter referred to M&T lab for analyze data due to large gap between KVAh and KWh consumption.

6. After MCO dated 03.08.2021, meter Sr. no X1242921 removed and got checked from M&T Lab Gurugram and as per M&T lab report No. 71/5 dated 09.09.2021, accuracy of meter checked and found WIPL.
7. Data of this meter Sr. no X1242921 received from M&T lab Gurugram in which low power factor shown from 05/03/2020 to 01/05/2021 due to which KVAh consumption was high. From this data it is evident that from 01.06.2021 to 03.08.2021 power factor improved by the consumer whereas same meter Sr. no X1242921 was installed till MCO effected on dated 03/08/2021.
8. Data from BCITS reading agency also taken month wise from 01.03.2020 to 01.03.2021 in which it is clearly shown that there is huge difference in KWh and KVAh consumption which is only due to low power factor maintained by the consumer.

From the above facts and evidence/record/reports it is submitted that meter Sr. no X1242921 was working within permissible limit and difference of KWh and KVAh consumption was due to low power factor maintained. It is the duty of consumer to maintain proper power factor but in this case consumer did not maintain power factor due to which there was huge difference in KWh and KVAh consumption and bill was issued as per consumption which was correct. It is requested that reply submitted as above with documentary evidences may kindly be considered please

- U.** The appellant prayed to overhaul the bills of the appellant from the date of installation of 1st HT CT/PT meter in March 2020 up to its replacement in August, 2021 on the basis of the power factor recorded by the new meter from September, 2021 to September, 2023.

The appellant submitted that the connection was energized in March, 2020 under HT commercial category and because COVID-19 lockdown was imposed w.e.f. 24th March 2020, the premises could not be occupied and practically there was no load running except for some lighting and the power consumed by the capacitor banks. Yet the electricity bills for this unoccupied period were served for huge amounts running into lacs of rupees. The time zone wise breakup of the consumption data submitted by the respondent nowhere indicates as to whether the power factor had gone into leading or lagging. The running load even in December and thereafter was lesser than 10 kW which further proves that load on the premises had not built up even after one year of

COVID 19 restrictions imposed in March 2020. The power factor recorded during the first half of the year remained from 0.11 to 0.18 whereas after September 2020, it improved a little to around 0.30. At such low loads with capacitors “ON”, the power factor remained in “Leading” which is evident from such low power factors despite the capacitors in running condition. The power factor during these months remained in “Leading” could be ascertained once the MDM data is made available from March 2020 onwards.

Per contra the respondent SDO submitted that HT meter was installed on 05.03.2020 on initial reading KWh-32 & KVAh-33 which was updated in the system in the month of October, 2020. In the intervening period, the appellant was billed provisionally and bill for the month of Nov, 2020 was issued as per consumption for period from 05.03.2020 to 01.11.2020 (242 days) after adjusting provisional bills. The reading on 01.11.2020 was KWh-31059.5 and KVAh-104179. Due to low power factor there was huge difference in KWh and KVAh consumption. In HT NDS category as per tariff schedule, billing is to be done on KVAh consumption. The meter accuracy was got checked from M&P on 02.04.2021 and 17.06.2021 and found within permissible limit. Consumer approached their office to get checked the meter from M&P and to replace the meter. The M&P checked the accuracy of meter at site on 03.08.2021, which was found within permissible limit and meter referred to M&T lab to analyze data due to large gap between KVAh and KWh consumption. The meter was removed and sent to M&T Lab, where its accuracy was checked and found within permissible limit. Due to poor power factor KVAh consumption increased. It is the duty of consumer to maintain proper power factor but in this case the consumer did not maintain power factor.

- V.** Pursuant to M&P checking on 03.08.2021, the meter reading on the date of checking was as under: -

Kwh	=	95765
Lag KVARH	=	188576
Lead KVARH	=	3261
KVAH	=	229545

The reading of the meter as per reading data downloaded in M&T lab. On 09.09.2021 was as under: -

Kwh	=	95811.50
Lag KVARH	=	188599.00
Lead KVARH	=	3261.00
KVAH	=	229597.00

It is evident from above readings that the power factor remained low and almost in lagging. During whole period from 05.03.2020 to 03.08.2021 total leading KVARH recorded in the meter is very less i.e. 3261 only. Therefore, it is not justified and reasonable on the part of the appellant to contend that the power factor remained in "Leading" as capacitors inadvertently remained ON during the COVID period and subsequently at low loads as well.

W. In view of the above facts and discussions, it is observed that the meter accuracy was checked by M&P on 05.03.2020 (at the time installation of the meter in the appellant premises), 02.04.2021, 17.06.2021 & 03.08.2021 (at the time of removal of the meter) and found within permissible limit. Also, the meter was sent to M&T Lab and checked its accuracy there on 09.09.2021 which was found within permissible limit. As per consumption record, high KVAH consumption is attributed to poor power factor that is too in lagging side. Since billing in this case is done on KVAH, obviously it is the responsibility of the consumer to maintain its power factor nearly unity to avoid burden of higher bill.

In view of the above, since the meter accuracy has been checked from M&P and M&T lab at different times and found within permissible limit all the time. Therefore, the bill issued as per meter reading is payable by the appellant and hence decision of the CGRF dated 24.08.2023 is in order and upheld.

The appeal is disposed off accordingly.

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

Given under my hand on 24th April, 2024.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 24.04.2024

CC-

Memo. No. 274/HERC/EO/Appeal No. 94/2023

Dated: 24.04.2024

1. Smt. Prema Devi, F 17/4, DLF PHASE-I, Gurugram.
2. The Managing Director, DHBVNL, Vidyut Sadan, Vidyut Nagar, Hisar -125005.
3. Legal Remembrancer, Haryana, Shakti Bhawan, Sector- 6, Panchkula.
4. The Chief Engineer 'Operation', DHBVNL, Delhi Zone, Delhi.
5. The Superintending Engineer/OP Circle, DHBVNL, Gurugram-II, 2nd Floor, Housing Board Complex, Saraswati Vihar, MG Road, Gurugram.
6. The Executive Engineer Operation, Sub Urban Division, DHBVNL, Gurugram.
7. The SDO Operation, Sub Division DLF, DHBVNL, Gurugram.