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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1966/2017

AMIT GARG

..... Petitioner

Through: Mr. S.B. Pandey, Advocate with
Mr. Santosh Kumar and Mr. Minal
Bansal, Advocates.

versus

BSES YPL

..... Respondent

Through: Mr. Arav Kapoor, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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03.03.2017

CM Appl. 8706/2017 (exemption) in W.P.(C) 1966/2017

Allowed, subject to just exceptions.

W.P.(C) 1966/2017 & CM Appl. 8705/2017

Present writ petition has been filed challenging order dated 30th January, 2017 passed by Electricity Ombudsman wherein it is held that petitioner is liable to pay the bill of Rs.4,20,610/- for the period from 01st April, 2016 to 18th July, 2016 as per the final Common Meter Reading Instrument (CMRI) reading.

Learned counsel for petitioner states that respondent itself had found that the meter was broken and faulty.

However, a perusal of the impugned order reveals that the Ombudsman has found that although the display was faulty, it did not impact the accuracy of the meter's reading. In fact, the Ombudsman has reached its conclusion on the basis of the laboratory report. The relevant portion of the order passed by the Ombudsman is reproduced hereinbelow:-

“4. I have heard both parties and examined the material on file. It is a matter of record that the faulty meter was changed following complaints from the Appellant and the replacement carried out in the presence of his representative, his brother, who signed the papers in token of its replacement and which clearly indicated the final reading as registered by the CMRI. The meter was subsequently tested in the laboratory in the presence of the Appellant's representative where it was found that although the display was faulty, it did not impact the accuracy of the meter's reading itself as registered through the CMRI. There are no grounds to cast any doubt on the validity of the readings taken at the time of the meter's replacement as invalid or call into question the technical test report. Furthermore, the electricity consumption pattern during the period under review is commensurate with the consumption levels of the preceding three years. The bill raised by the Discom on the basis of the final readings recorded before the meter's replacement has, therefore, to be taken as being in order and payable by the Appellant.

(emphasis supplied)

There is no ground in the writ petition that the impugned order is not in consonance with the findings of the laboratory report.

At this stage, learned counsel for petitioner relies upon the Ground ‘D’ of the writ petition, which reads as under:-

“D. Because the Ld. Hon'ble Ombudsman has gravely erred in holding that at once place writing that there are no grounds to cast any doubt on the validity of the readings taken at the time of meter replacement as invalid or call into question the technical

test report whereas at another place writing that the wording of the meter test report conveys an erroneous impression that the meter was faulty with the validity of energy consumption reading itself being in doubt and therefore in these circumstances order needs to be set-aside.”

However, this Court is of the view that even in the said ground, the petitioner has not impugned either the laboratory report or the inference drawn by the Ombudsman from the said report.

Consequently, the present writ petition and application, being bereft of merits, are dismissed.

MANMOHAN, J

MARCH 03, 2017

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