



CA No. 100084672
Complaint No. 107/2023

In the matter of:

Aakash SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Aakash Singh, complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 10th March, 2023
Date of Order: 22nd March, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. This complaint has been filed by Mr. Aakash Singh against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Aakash Singh is using electricity through CA No. 100084672 having sanctioned load of 23 KVA, installed at property no. H.No. 9, Gali No. 1, Biharipur, Near Karawal Nagar Road, Delhi-110094.

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CGRF (BYPL)

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He further submitted that LED display of his meter was not working, and on 03.12.2022 he was informed about non-functioning of the meter display by the meter reader personal. He took an appointment and on 06.12.2022 he lodged meter testing complaint through BYPL connect app. On 26.10.2022 his meter was tested and it was reported that meter LED was not working and MDI was 10 KW. On 30.12.2022 the meter was removed and new meter was installed. The removed meter was tested in the lab on 11.01.2023 and lab report stated that meter was dead.

Thereafter, he received bill for 14,131 units amounting to Rs. 1,87,630/- which is not justified. On enquiry respondent stated that they have revised the defective period bill as per DERC Regulation 2017, 32(2)(i). He further submitted that as per DERC Regulations the bill will be raised by applying the same period of corresponding month of previous year but his consumption was reduced in the year 2022.

3. OP in its reply briefly stated that the complainant has raised the issue of billing and has sought reduction of bill amount in respect of estimated bill raised by the period 09.11.2022 to 30.12.2022. The connection having CA NO. 100084672 with sanctioned load 23 KVA is in the name of Radheyshyam and complainant is tenant of registered consumer. The meter of the complainant was tested on 26.12.2022 due to display problem as reported by the complainant. As meter display was not working the old meter was removed and sent to lab for testing on 30.12.22 and new meter was installed. Old meter was tested in lab on 11.01.2023 and lab concluded that meter was found dead. As per the lab report the bill from the date of last downloaded reading till the installation of new meter estimate bill on the basis of recorded reading for the said period of last year was raised for 14131 units as per DERC norms.

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4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that prior to August 2022 there were three machines and in August 2022 they sold one machine therefore their consumption has reduced from August 2022 onwards. But respondent has revised the bill for the period when meter was defective on the basis of last year's consumption when his consumption was high. He also submitted comparison of consumption prior and after sale of machine and GST for the same quarter October to December for the year 2021-22 and 2022-23.
6. LR of the OP submitted that bill of the complainant has been revised as per DERC Regulations 2017 32(2)(i) and is correct and payable by the complainant.
7. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 39 (1) for billing in case of defective or damaged meter.

39. Billing in case of defective or damaged meter:-

(1) The consumer shall be billed on the basis of actual average consumption recorded during the corresponding period in the preceding year, excluding the provisional billing: Provided that if actual consumption recorded during the corresponding period in the preceding year is either not available or partially available, the actual average consumption of past 6 (six) billing cycles immediately preceding the date of meter being detected or reported defective, excluding the provisional billing, shall be used for billing purpose:


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Provided further that if the actual average consumption of past 6 (six) months is either not available or partially available, the average consumption for the next 3 (three) billing cycles excluding provisional billing after the installation of new meter shall be used for billing purpose.

8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the meter of the complainant became faulty somewhere in November 2022 and complainant lodged complaint with BSES for testing of meter and meter testing report dated 26.12.2022 concluded that meter display and pulse LED was not working, needs replacement and the load found was 10 KW. Later, the meter was tested in independent lab on 30.12.2022 and the report concluded that meter data could not be downloaded, accuracy could not be done and meter LCD and LED found dead. Thus, it clears that the meter was not working and both the meter testing reports concluded that meter was dead. The connected load could not be ascertained in the independent lab meter testing but the meter testing which was done at site concluded that load was 10 KW.
9. Therefore, the complainant's contention that his consumption was less after August 2022 is justified with the BSES meter testing report dated 26.12.2022 where it is clearly mentioned that load is 10 KW. Thus, we are of view that respondent may be directed to revise the bill of the complainant taking into consideration average consumption for the next three billing cycles after the installation of new meter.

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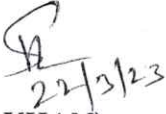
ORDER

Complaint is allowed. Respondent is directed to revise the bill of the complainant taking into consideration average consumption for the next three billing cycles after the installation of new meter as per DERC Regulations 2017.

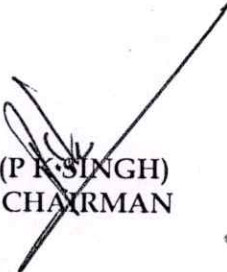
The OP is also directed to file compliance report to this office within 21 days from the issue of this order

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM

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(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

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