

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
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SECY/CHN 015/08NKS

C A No. 101159208
Complaint No. 181/2022

In the matter of:

F.S. ChauhanComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. S.R. Khan, Member (Technical)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. F.S. Chauhan, Complainant
2. Mr. Imran Siddiqi, Mr. Munna Kandrekar, Mr. Santosh, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 22nd November, 2022

Date of Order: 28th November, 2022

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Sh. F.S. Chauhan, against BYPL-VSE.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. F.S. Chauhan is consumer of BYPL and using electricity through CA NO. 101159208 installed at Flat No. 22-C, Pocket-A, SFS HIG Flats, Mayur Vihar-3, Delhi-96. It is also submitted that he got his

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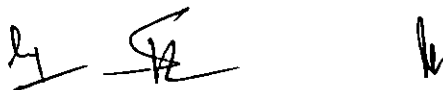
electricity meter tested on 30.04.2022 by third party meter testing lab and it was found that the installed meter is 5.538 percent fast. He approached the respondent for revision of his bill for the last 17 years since the faulty meter was installed. Respondent despite revising his bill stopped sending him bills and the due amount was informed to him through SMS.

3. OP in their reply briefly stated that in terms of order dated 01.11.2004 passed by the Hon'ble District Consumer Disputes Redressal Forum (East), Saini Enclave, Delhi in case no. 569/2004 titled as Sh. F.S. Chauhan Vs BSES Yamuna Power Limited & Ors. in respect of CA No. 101159208 meter was replaced on 26.11.2004. OP further stated that meter installed on 26.11.2004 was tested in the year 2005 upon complaint of complainant and found to be OK. The said meter was removed on 07.04.2022 after complaint of complainant and replaced with new meter bearing meter no. 55370999. The removed meter was tested in lab on 30.04.2022 and old meter was showing at least 5.38 percent more than the actual consumption of electricity. OP denied allegation of complainant that meter was running fast since its installation i.e. since year 2004 and bills were not delivered or any threat of disconnection was issued as alleged by complainant.
4. Heard both the parties and perused the record.
5. The main issue in the present case is whether the complainant's bill be revised by giving him due credit of excess paid amount in the last 17 years.

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6. Heard the arguments of the complainant and OP-BYPL. Complainant has submitted that the meter installed against his electricity connection having CA No. 101159208 was faulty prior to year 2004 which was replaced with the new meter after the orders of Hon'ble CDRF. The new meter installed on 26.11.2004 was also faulty and for the last 17 years. Despite his repeated complaints for the same to the OP but OP did not pay any heed to his complaint and keeps on sending him bills of excessive amount. Complainant further alleged that as per **DERC Regulations 2017, Regulation 32 (1), regarding Periodical Testing of meters by the Licensee**, OP failed to abide with the said regulation and did not test his meter periodically.
7. Legal Representative of the BYPL has argued on the basis of evidence available on record. OP submitted that the meter replaced on 26.11.2004 after the orders of Hon'ble CDRF was tested upon the complaint of the complainant in the year 2005 and was found to be OK. Thereafter, in the year 2022 complainant again made complaint for meter testing and the said meter was replaced with the new meter and got tested in independent lab. As per lab report dated 30.04.2022 the meter was found to be fast by atleast 5.38 percent. OP further added that as per DERC Supply Code and Performance standards Regulations 2017 Regulation 32 (7), bill of the complainant has been revised and benefit was given by giving credit of 156 units for the period of 180 days i.e. from 13.10.2021 to 11.04.2022. OP further argued that as per Regulation 32 (1) of DERC Supply Code 2017 the periodical testing of meters cannot be done on all the meters installed in the BYPL territory. This meter testing is done on the basis of sampling; therefore, the meter of the complainant was tested in the year 2005 and found to be OK.



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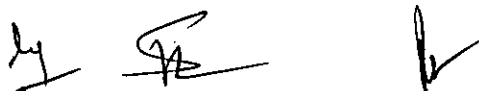
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

DERC (Supply Code and Performance Standards) Regulations, 2017, Regulation 32 Testing of meters (7) In case, during testing, the meter is found to be inaccurate, revision of bill on the basis of percentage error from the limits of accuracy, at applicable tariff rates, shall be done for a maximum period of 6 (six) months or 50% of the period from the date of installation of the meter prior to date of testing or 50% of the period from date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the subsequent bill(s).

DERC (Supply Code and Performance Standards) Regulations, 2017, Regulation 32. Testing of meter:- (1) Periodical Testing of meters by the Licensee:-

(i) It shall be the responsibility of the Licensee to satisfy itself regarding the accuracy of the meter before it is installed and, if he feels so necessary, shall get them tested in an accredited laboratory.

9. From the perusal of file it is evident that in respect of consumer's complaint for CA No. 101159208, Hon'ble Consumer Dispute Redressal Forum (East) Saini Enclave, in case no. 569/2004, Sh. F.S. Chauhan Vs BSES Yamuna Power Limited & Ors. order dated 01.11.2004 ordered to replace meter of the complainant and also awarded complainant some compensation. Meter was installed in compliance of order of CDRF on 26.11.2004. On further complaint of consumer meter was tested by OP on site and found meter OK. It was not tested in the laboratory. Third time the complainant made a complaint regarding the fast meter in year



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2022; consequently meter was removed on 07.04.2022 and replaced with new meter bearing no. 55370999. The removed meter was tested in independent lab on 30.04.2022 and old meter was found running 5.38 percent fast. Consequently, OP as per Regulation 32 (7) regarding testing of meter of DERC (Supply Code and Performance Standards) Regulations 2017, gave benefit to the complainant.

10. Now the argument on behalf of the complainant is that since he is complaining regarding fast meter continuously after the installation of new meter in 2004 after order of Consumer Dispute Redressal Forum his meter was not tested by any independent laboratory. On the complaint of complainant it was found 5.38 % more than the actual prescribed limits on 30.04.2022.

Accordingly, as per DERC Supply Code and Performance Standards, Regulations 2017, Regulation 32 (1) testing of meters (7) in case during testing, the meter is found inaccurate, revision of bill on the basis of percentage error from the limits of accuracy, at applicable tariff rates, shall be done for a maximum period of 6 (six) months but he should be given this relief from 2004 when the meter was replaced on the basis of order of Hon'ble CDRF, but he was making complaint's regularly from that very date. As per rule OP has not done periodical sample testing of his meter even after repeated complaints.

As per Regulation 32 (7) six months maximum percentage error relief can be given by Forum as per rule, which has already been granted by OP but in present circumstances when there is provision in DERC (Supply Code and Performance Standards) Regulations 2017 regarding compensation in case of consumer's faulty meter.







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In our opinion compensation would be given to the complainant since 07.07.2017 i.e. date when DERC Supply Code Performance Standards, Regulations 2017, came into force till 12.10.2021. Total days works out to be 1556 days and Rs. 50/- compensation for each day of default turned out to be $1556 \times 50 = \text{Rs. } 77800/-$. OP has already given complainant credit for the period 13.10.2021 to 11.04.2022.

ORDER


The complaint is allowed. OP is directed to pay the complainant compensation for the above mentioned period as per Schedule-I of DERC Supply Code 2017. The compensation amount should be adjusted in the future bills of the complainant.

The case is disposed off as above.

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


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN