



C A No. 100864425
Complaint No. 18/2023

In the matter of:

Indu JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmed Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Complainant present in person
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd March, 2023
Date of Order: 07th March, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

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Secretary
CGRF (BYPL)

1. This complaint has been filed by Ms. Indu Jain against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Indu Jain resides at premises no. 2673, Gali No. 6, Raghubar Pura, Gandhi Nagar, Delhi. She further submits that for the last one and a half year her electricity connection consumed only 3 KW to 4 KW load, regarding this she wrote letter to BSES in the month of

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April 2022 for reduction of load and BSES replied her after three months that the load has been reduced, but the load was same as 7 KW. She again wrote to BSES in August 2022 regarding reduction of load and again BSES replied her after three months that the load has been reduced. On 06.10.2022 BSES inspected her house and submitted the inspection report, but to her shock BSES increased her load 1 KW instead of reducing it and raised her bill for the month of November 2022 which includes Rs.4500/-. She requested the Forum to direct respondent to reduce the load of her electricity connection.

3. OP in its reply briefly stated that the complainant applied for load reduction in respect of non-domestic connection bearing CA No. 100864425 having sanctioned load as 9 KW which was enhanced as per Regulation 17(4) to 10 KW on 07.10.2022 based on MDI recorded in the last financial year i.e. from 01.04.2021 to 31.03.2022. The load was required to be enhanced w.e.f. July 2022 but on account of technical glitches the load was enhanced w.e.f. 07.10.2022.

OP further added that in terms of Regulation 17(4)(vii) there is lock in period for six months from the date of load enhancement to accept any application for load reduction. Thus if load enhancement is taken to be effective from July 2022 then six months will expire in January 2023 and if load enhancement is taken from October then this period of six months will expire in April 2023.

- 4: Arguments of both the parties are heard.
5. Representative of the complainant submitted that since April 2022 she is applying for load reduction but instead of reducing load respondent enhanced her load with 1 KW in the month of November 2022 on the

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basis of last financial year's consumption. She further added that as per law six months locking period expires in the month of October 2022 as her first application for load reduction was in the month of April 2022.

6. LR of the OP submitted that they have enhanced the load of the complainant's connection having CA No. 10086442 on the basis of last financial year's consumption i.e. from 01.04.2021 till 31.03.2022. The load was to be enhanced from July 2022 but due to some technical glitches same was enhanced w.e.f. 07.10.2022. Therefore, the bill raised by them is as per law and for load reduction the lock-in period of six months ends in January 2023 and complainant should visit the office of respondent for reduction of load.
7. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 17 (4) for the Review of sanctioned load/contract demand by the Licensee:-

(4) Review of sanctioned load/contract demand by the Licensee:-

(i) For revision of sanctioned load or contract demand as the case may be, the Licensee shall take the highest of average of Maximum Demand readings recorded as per billing cycle covering any four consecutive calendar months in the preceding financial year i.e. from 1st April to 31st March, rounded off to the lower integer as described in the illustration: DERC (Supply Code and Performance Standards) Regulations, 2017

(ii) If the computed revised load pursuant to sub-clause (i) above exceeds the sanctioned load or contract demand as the case may be, the Licensee shall issue a separate notice to the consumer about the proposed increase in sanctioned load or contract demand.

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The notice shall contain the details of the exact readings in the consecutive billing cycle(s) taken into consideration along with details of enhanced security deposit and the differential Service Line cum Development (SLD) charges in case of change of service line, if any, for such increase in sanctioned load or the contract demand, as the case may be, in accordance with the Act to be deposited by the consumer within 30 (thirty) days from the date of receipt of notice.

(iii) In case of domestic category consumers, if the computed load pursuant to sub-clause (i) above is less than the sanctioned load or contract demand as the case may be of the consumer, the Licensee shall seek the consent of the consumer for load reduction through a separate notice to the consumer, giving details and information that his maximum demand is less than the sanctioned load or contract demand: Provided that for domestic category consumers, having the sanctioned load upto 5kW in the last billing cycle of preceding financial year, if no communication is received from them within expiry of 30 (thirty) days from the date of the receipt of notice, the load shall be reduced automatically; and for domestic consumers having sanctioned load more than 5kW in the last billing cycle of preceding financial year, the load shall be reduced only on receipt of consent from the consumer.

(iv) A separate notice for upward or downward revision of sanctioned load or contract demand as the case may be, shall be issued by 31st May of the financial year. No notice for upward revision shall be issued thereafter during the year.

(v) In case a notice for downward revision pursuant to sub clause (iv) is not issued by 31st May, the Licensee shall pay compensation to the affected consumer as specified in Schedule - I of the Regulations, without prejudice to the right of consumer to reduce the load which shall be effective as per sub clause (vi) below.

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(vi) The upward or downward revision of sanctioned load or contract demand as the case may be, shall be done once in a financial year and shall be made effective from 1st July of the financial year. (vii) If the load is enhanced by the Licensee pursuant to sub-clause (ii), the request for any load reduction shall be entertained only after expiry of 6 (six) months from the date of enhancement of load.

8. From above discussions it is clear that complainant's load during the financial year 2021-22 was on higher side for three consecutive months and exceeded upto 11.32 KW. Therefore, as per above mentioned DERC Regulations respondent has to issue notice to the complainant by May 31st which the respondent failed to do. Instead respondent conducted site visit of the premises of the complainant in October 2022 and enhanced his load from 9 KW to 10 KW on the basis of higher consumption in previous financial year.

Contrary, on the other side the complainant submitted that regularly from April 2022 he approached respondent for reduction of load. Complainant made three representations to respondent for reduction of load, but there is only one representation of the complainant on record i.e. mail dated 21.11.2022

9. Therefore, we are of the opinion that respondent missed the deadline set by DERC i.e. till 31st May 2022 they have to issue the notice to the complainant and no notice for upward revision shall be issued thereafter during the year. Here, respondent issued notice/revised the bill of the complainant in the month of October 2022. As per above stated Regulations OP has not taken action accordingly, thus the load enhanced by the OP should be reverted back and thereafter the bill revision should be done accordingly.

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As per Rule 17 (3) of DERC Regulations 2017 Load Reduction on the request of consumer :- (vi) The reduction of load shall be limited to the highest of average of any 4 (four) consecutive months maximum demand readings of last 12 (twelve) months.

Here, the complainant applied for load reduction on 21.11.2022 therefore, the consumption of previous one year from November 21 till November 22 should be considered for calculating average four consecutive months maximum demand readings. The load of the complainant should be revised according to above mentioned DERC Guidelines. And the load enhancement done by OP in the month of October 2022 should be reversed since they missed the deadline of 31st May as mentioned in DERC Regulation.

ORDER

Complaint is allowed. Respondent is directed that the load reduction should be made effective from 21st November 2022 onwards, the date when the complainant applied for load reduction.

Respondent is further directed that the load which was enhanced in October 2022 should also be reversed.


Respondent should file action taken report within 21 days from the date 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.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHATAN)
MEMBER (TECH.)

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