

C A No. 100334364  
Complaint No. 153/2022

In the matter of:

Raisuddin .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Shweta Chaudhary, Mr. Pawan Verma & Ms. Katha Mathur, On behalf of BYPL

**ORDER**

Date of Hearing: 01<sup>st</sup> September, 2022  
Date of Order: 15<sup>th</sup> September, 2022

**Order Pronounced By:- Mrs. Vinay Singh, Member (Law)**

Briefly stated facts of the case are that respondent assessed his bill for the period of which no reading was taken and raised him a high amount bill.

The complainant's grievance is that he is residing at House no. 1271, Second floor, Gali Pahari Imli Bazar, Sita Ram, Delhi-6, and using electricity through CA No. 100334364. It is also his submission that on 11.01.2022 respondent changed the meter and installed a new meter. The said removed meter was

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tested in lab and the lab test report found meter accuracy slow to extent of .92867. Thereafter, respondent assessed the period 11.09.2021 to 11.01.2022 when no meter reading was taken of the old meter and raised him a bill of Rs. 1,53,600/-. Complainant then approached the PLA and PLA vide their order dated 25.05.2022 directed the complainant to pay Rs. 75,000/- and respondent was directed to restore the electricity supply of the complainant thereafter. He made the payment as per PLA order and his supply was restored. PLA vide their order dated 08.06.2022 directed the complainant to file his case before the CGRF. Therefore, he requested the Forum to direct respondent to rectification of his electricity bill as per DERC Supply Code and also requested for stay on disconnection.

Notices were issued to both the parties to appear before the Forum on 23.08.2022.

Respondent submitted their reply stating therein that as per the lab report meter was found to be slow to an extent of 92.86% and not 0.92867% as alleged by the complainant. That as per speaking order dated 14.02.2022, the DAE proceedings were quashed but as meter was found to be slow, assessment was directed to be done as per DERC norms on account of slowness of the meter. Accordingly, assessment was done and a bill was raised for six months for deficient recording of 92%. As meter was found slow by 92.86% as such assessment has been done in terms of speaking order for six months as per the law.

It was also added that learned PLA also observed "as such the petitioner has already got the benefit and there is no reason to dispute the bill. The counsel for the petitioner seems to be not satisfied."

*Devi*

*[Signature]*

Matter was heard on 23.08.2022, when the forum stayed the assessment amount till the final orders of the Forum. Complainant was directed to pay current bill amount and to file written submissions.

The counsel of the complainant submitted rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that respondent has filed assessment bill of the period 01.07.2021 to 10.02.2022 wherein the assessment unit has been shown 14863 which is absolutely wrong, baseless and without any substance. He further submitted that according to DERC assessment formula (LXDXHXF) the assessment period is 11.01.2021 to 10.01.2022 and unit of the assessment is 5840.

The matter was finally heard on 01.09.2022, when arguments of both the parties were heard and matter was reserved for orders.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that before approaching this Forum complainant appealed before Permanent Lok Adalat (PLA) and PLA vide its order dated 25.05.2022 directed the complainant to make part payment of Rs. 75,000/- of the disputed bill on or before 06.06.2022 by DD and on making payment of the said amount, the respondent was directed to restore old connection as per rules.

PLA vide its another order dated 08.06.2022, noted that already the respondent has raised a bill on assessment basis and did not make a case of tampering. As such the petitioner has already got the benefit and there is no reason to dispute the bill. The counsel of the petitioner seems to be not satisfied. He is at liberty to move the appropriate forum including CGRF for availing the remedy.

Respondent has also submitted calculation sheet for the period 01.07.2021 till 10.02.2022 showing the details of the bill amount giving complainant proper slab benefit.

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As per Regulation 30 (10) & (12) of the DERC Supply Code 2017, which is narrated below:-

30. Reading of meters:-

(10) In case, for any reason, to be specifically recorded, the meter is not read/ recorded during a billing cycle, the Licensee shall prepare a provisional bill based on the consumption during the corresponding period in the previous year when readings were taken: Provided that if the consumption during the corresponding period in the previous year is not available, the Licensee shall take average consumption of preceding three billing cycles or the lesser period when readings were taken.

(12) The amount paid as per the provisional bill as prepared in subregulation (10) above shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles: Provided that in case meter is found to be defective before taking actual meter reading during subsequent billing cycle, the provisional bill raised by the Licensee shall be considered as final bill for that period.


It seems that the calculations provided by the respondent are in order and as per DERC Regulations 2017.

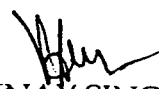
- Therefore, we direct the complainant that dues are payable by him as the bill revised by the respondent is in order and as per DERC Regulations 2017.
- The respondent is also directed to waive off the LPSC amount from the total bill of the complainant and if the complainant wants instalments, respondent is directed to allow same.
- Respondent is further directed to file the compliance 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 AHMED ALVI)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LAW)