

C A No. Applied For
Complaint No. 111/2026

In the matter of:

Ashok Kumar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Bharat Bhushan, A.R for the complainant
2. Mr. R.S. Bisht, Ms. Vijay Michael, Ms. Monika Sharma, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 03rd September, 2026
Date of Order: 08th September, 2026

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

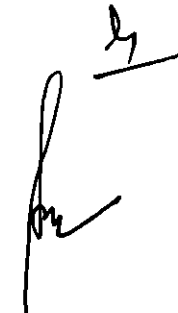
1. The brief facts of the grievance are that the complainant is using electricity through CA no. 152882140 and is regularly paying the electricity bills and nothing remains unpaid on behalf of the complainant. Suddenly the bill for the month of April 2026 was received by him for an amount of Rs. 54,000/-. He further stated that on enquiry from BSES he got to know that on the basis of meter testing in the year 2021 this bill has been raised to him. It is also added that vide order dated 05.10.2021 DAE proceedings had already been quashed against him.

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The complainant further submitted that after more than four years, BSES raised him bill or demand which is illegal and time-barred as no continuous arrears were shown in the intervening period. Therefore the complainant requested the forum to direct the OP for withdrawal of the illegal and arbitrarily high bill issued to him and correct the bill based on actual consumption and also waive off all the penalties/late payment charges.

2. The respondent in its reply against the complaint of the complainant submitted that the present matter pertains to CA no. 152882140 and enforcement CA No. 401370586, case Id YM030921NE05, relating to the meter bearing no. 35436684 installed at the premises of the complainant. The said meter was replaced on 1.08.2021 and was thereafter subjected to laboratory testing. The laboratory examination revealed that the meter was recording consumption inaccurately and the enforcement proceedings culminated in the speaking order dated 5.10.2021.

Reply further submitted that record was further communicated to the Division office in October 2021 which resulted in charging meter cost and testing charges. The energy assessment which is the subject matter of the present proceedings was not actually billed. The said position came to light during an internal Audit/ Management Review exercise undertaken in February 2026 in respect of dropped enforcement cases. The Division was directed to proceed to process the pending assessment. The assessment amount of Rs. 53,704.69/- was subsequently incorporated in the electricity bill for March 2026 and has thereafter continued to be reflected as recoverable arrears in the subsequent bills.

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<u>S.No.</u>	<u>Date</u>	<u>Particulars</u>
1.	11.08.2021	Existing meter replaced and removed meter sent for laboratory examination.
2.	02.09.2021	Laboratory test report prepared
3.	05.10.2021	Enforcement Speaking Order passed, e-mail communication also exchanged regarding the case
4.	06.10.2021	Meter cost and testing charges charged in the regular bill.
5.	23.02.2026	Internal Audit/Management Review identified cases where assessment had remained pending despite enforcement proceedings/service order.
6.	25.02.2026	Communication issued for review/action in respect of pending assessments by the concerned business divisions.
7.	26.02.2026	Assessment in the present case processed/charged.
8.	March 2026	Assessment reflected in the electricity bill
9.	13.08.2026	This Hon'ble Forum directed the respondent to furnish details explaining the delay in raising the assessment bill.

Reply further stated that the delay in not attributable to any fresh determination or change of stand by the respondent. The underlying enforcement proceedings and the technical findings in respect of the meter were already available on record. The assessment was ultimately processed when the pending case was identified during the Internal Audit exercise in February 2026.

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3. The complainant stated that he did not want to file any rejoinder.
4. During the course of arguments, OP submitted their additional submissions. OP submitted that a communication was received in Division office in October 2021 resulted in charging of meter cost and testing charges on 06.10.2021, thus charges were processed at that stage. The energy assessment which is the subject matter of the present proceedings was, however, not actually billed at that stage.
- Upon further scrutiny of the records, it emerged that the communication received by the Division in October 2021, contained an inadvertent typographical error in respect of the meter accuracy. While the actual laboratory finding was that the meter was recording 80% slow, the said communication erroneously reflected the meter accuracy as "-08% instead of -80%".
- The said discrepancy in the meter accuracy subsequently came to light during the internal audit/management review exercise. Thereafter, the bill of the complainant was revised for defective meter for a period of six months and bill of Rs. 53,704.69/- was raised in accordance with Regulation 32 (7) of the DERC (Supply code and Performance Standards) Regulations 2017.
5. The complainant also submitted its written submission and stated that in 2021, an inspection was conducted and proceedings alleging dishonest abstraction were initiated. However, vide Speaking Order dated 05.10.2021; the respondent **quashed theft DAE proceedings and directed normal billing as per meter condition (slow meter - 78%)**. The demand is illegal as Bar under Section 56 (2) of Electricity Act, no sum can be recovered after 2 years unless shown continuously as arrears. Cause of action arose in October 2021 and demand raised in April 2026.

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There is unexplained 4 years 6 months delay and OP has arbitrarily delayed the action on the inspection, which violated fairness and natural justice.

6. The Forum has carefully considered the complaint, reply filed by the respondent, additional submissions of both parties and the documents available on record.

The grievance of the complainant is primarily against the demand of Rs. 53,704.69/-, which was raised after a considerable lapse of time on account of alleged slow recording of the meter. The complainant has contended that the demand is illegal and time-barred, as the inspection and meter testing proceedings pertain to the year 2021, whereas the amount was first raised in the electricity bill in March/April 2026.

On the other hand, the respondent has submitted that the meter installed at the premises of the complainant was replaced on 11.08.2021 and subjected to laboratory examination. As per the respondent, the laboratory findings revealed that the meter was recording consumption inaccurately. The respondent has further submitted that although meter cost and testing charges were levied in October 2021, the energy assessment on account of the defective/slow meter was inadvertently not processed at that stage.

It is an admitted position that enforcement proceedings were initiated against the complainant in the year 2021. However, vide Speaking Order dated 05.10.2021, the proceedings relating to dishonest abstraction of energy were dropped/quashed and the case was directed to be dealt with on the basis of the condition of the meter. Thus, the present demand is not towards any theft or DAE assessment but pertains to the alleged under-recording of consumption on account of a slow/defective meter.

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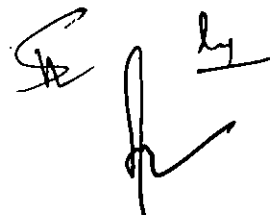
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The respondent has explained that the assessment remained unbilled due to an inadvertent error in the communication received by the concerned Division. According to the respondent, while the actual laboratory finding reflected that the meter was recording approximately 80% slow, the communication erroneously reflected the accuracy as "-08%" instead of "-80%". The discrepancy was subsequently noticed during an Internal Audit/Management Review exercise conducted in February 2026, following which the assessment was processed and an amount of Rs. 53,704.69/- was raised.

The delay in the present case is admittedly not attributable to the complainant. The complainant continued to receive and pay the regular electricity bills during the intervening period without any indication that any substantial assessment on account of the alleged slow meter was pending against him. The respondent cannot be permitted to burden the complainant with any additional financial consequences arising solely out of its own administrative lapse or failure to process the assessment within a reasonable time.

At the same time, the Forum notes that the underlying technical finding regarding the condition of the meter was available on record and the Speaking Order dated 05.10.2021 had already directed that the case be dealt with in accordance with the condition of the meter. The respondent has further stated that the assessment has been made for a period of six months in accordance with Regulation 32(7) of the DERC (Supply Code and Performance Standards) Regulations, 2017.

The contention of the complainant regarding Section 56(2) of the Electricity Act, 2003 has also been considered. The amount in question was admittedly not included in any electricity bill or shown as recoverable arrears during the period from 2021 till February/March 2026.

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7. In view of the above facts and circumstances, the Forum is of the opinion that the respondent has had no basis to revise the consumption on account of the slow/defective meter in terms of the applicable Regulations after a lapse of almost five years.

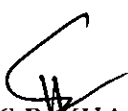
ORDER

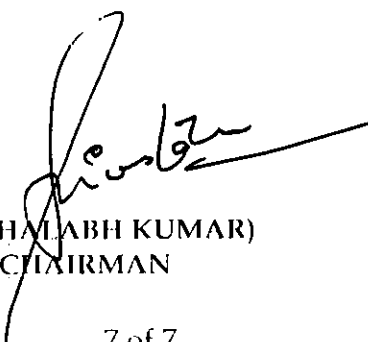
The bill raised by OP to the complainant is set-aside.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(SHALABH KUMAR)
CHAIRMAN