

C A No.152240205
Complaint No. 572/2024

In the matter of:

Banwari Lal Sharma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Akash Ruhela, Proxy counsel for the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Monika Kaushik, Mr. Rajan Pasan, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 11th March, 2025

Date of Order: 18th March, 2025

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

1. The brief fact of the case giving rise to this grievance is that the complainant is using electricity through connection having CA no. 152240205 installed at his premises no. A-26K, GF, Gali no. 4, Anand Parbat Industrial Area, Delhi-110005 under NX category for a load of 16 KVA. It is also his case that since the month of July 2023 till date the electricity meter installed at his premises got faulty and recorded high consumption/MDI.

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On the basis of faulty MDI recorded by the meter, OP increased the load and also raised him high amount bill by levying fixed charges for higher MDI. The complaint further stated that the meter of the complainant was tested in lab and it was found faulty.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking load reduction and revision in bill upon his existing NX connection having CA no. 152240205 installed at premises bearing no. A-26K, GF, Gali no. 4, Anand Parbat Industrial Area, Delhi-110005. The connection vide CA no. 152240205 was sanctioned for a load of 16 KW. In terms of consumption pattern of maximum demand recorded during the four consecutive months in FY 2023-24, it was found that demand is of 55/57 KW/KVA in contrast to existing 16/16 KW/KVA. Accordingly, a notice was issued to the complainant on 20.05.2024 for revision of load.

Reply further states that the meter of the complainant was tested in lab on 16.10.2024 and it was found that meter recorded high MD, meter accuracy done.

OP also raised objection on locus of the complainant as the complainant namely Banwari Lal Sharma is not connected to the registered consumer namely Deepak Fire Engineering Works.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the son of the complainant is owner of M/s Deepak Fire Engineering work. Complainant also attached MCD license and property documents. The faulty meter was tested in lab and the lab report dated 16.10.2024 clearly states that the meter found faulty and meter recorded less KVA (MD) than KW (MD). After replacement of old meter with new meter the MDI recorded is only 13 KVA.

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4. Heard both the parties and perusal the record.

5. From the narration of facts and material placed before us we find that as per the lab test report dated 16.10.2024, which clearly states that meter recorded less KVA (MD) than KW (MD), meter found faulty and meter recorded high MD. Therefore, it is clear that the meter installed at the premise of the complainant became faulty and gave high MDI resulting into load enhancement by OP and arbitrarily high amount bills. Therefore, OP is directed to revise the electricity bill of the complainant in accordance with Regulation 39 of the DERC Regulations 2017, which is narrated as below. The OP should also reduce the load of the complainant as per actual MDI being recorded by the new meter as per Regulation 17 (3) & (4) of the DERC Regulation 2017 for load reduction.

6. The relevant Regulation is under:-

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:

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.

(2) Charges based on the average consumption as per sub-regulation (1), shall be levied for the period of installation of meter or 50% of the period from the date of last testing till the date when the meter was replaced, whichever is less: Provided that the maximum period for the charges shall not exceed 6 (six) months.

Provided further that the amount already paid by the consumer, for the period meter remained defective or damaged, shall be adjusted in this bill.

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17. Existing connections :-

(3) Load Reduction on the request of consumer:-

(i) The Application for load reduction shall be accepted only after six months from original energisation for connections up to 100 KW, and 1 (one) year from original energisation for connections above 100 KW. Subsequent application for load reduction shall be accepted once in six-months or after lock-in period of 6 (six) months pursuant to Regulation 17(4)(vii), as the case may be.

(ii) The applicant shall apply for load reduction to the Licensee in the format prescribed in the Commission's Orders.

(iii) The Licensee, after verification, shall sanction the reduced load within 10 (ten) days from the date of acceptance of such application.

(iv) The load reduction shall be reflected from next billing cycle.

(v) If the effective date of load reduction falls between the billing cycles, the Licensee shall raise the bill on pro-rata basis during that billing cycle. (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.

(vii) If the load reduction is not sanctioned within the said period, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.

(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 1 st April to 31st March, rounded off to the lower integer.

7. In view of the above, we are of considered opinion that the electricity bill of the complainant should be revised by OP as per above stated Regulation 39 of the DERC Supply Code 2017 and also effect load reduction. The already made payments by the complainant should also be adjusted in the revised bill amount.

For

A. L. Sharma

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ORDER

The complaint is allowed. OP is directed to revise the electricity bill of the complainant in accordance with Regulation 39 and Regulation 17 (3) & (4) of the DERC Supply Code 2017 for load reduction.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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

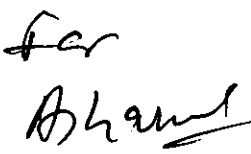
Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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