



C A No. 100785619
Complaint No. 547/2024

In the matter of:

Mahender Kumar JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R Khan, Member (Tech.)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Mahender Kumar Jain, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht, Mr. Lalit & Akshat Aggarwal,
on behalf of respondent.

ORDER

Date of Hearing: 12th December, 2024
Date of Order: 18th December, 2024

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

1. The complaint has been filed by Mr. Mahender Kumar Jain against BYPL-KRN. The brief facts of the case giving rise to this grievance are that the complainant is user of electricity connection having CA no. 100785619 installed at 3427, Main Road, Raghubar Pura, Gandhi Nagar, Delhi-110031 and OP has increased his sanctioned load from 11 KVA to 18 KVA.

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CGRF (BYPL)

1 of 4

Complaint No. 547/2024

He further stated that he has never applied for load enhancement but OP has increased the load of their own. Therefore, he requested the Forum for direction to OP to reduce to increased load.

2. OP in its reply briefly stated that by way of present complaint, the complainant is praying for load reduction of his commercial connection having CA no. 100785619 installed at his premises bearing no. 3427, Main Road, RA-2, Radhubar Pura, Gandhi Nagar, Delhi-110031.

Reply further stated that in terms of consumption pattern/assessment of maximum demand recorded during the four consecutive months in FY 2023-24 of the complainant's connection bearing CA no. 100785619, it was found that the average load comes to 18 KW in contrast to existing sanctioned load of 11 KW. Accordingly notice was issued to the complainant on 08.05.2024 for load enhancement which is according to Regulation 17 of DERC supply code 2017.

3. In response to the reply the complainant filed rejoinder refuting therein the contentions of respondent as averred in their reply and stated that the load of the premises was/is always less than 11 KVA. The regular bill shows MDI of the premises less than 11 KVA. The complainant in rejoinder also asked for withdrawal of illegal demand of Rs. 31,500/- which is asked from him as security deposit.
4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that OP on the basis of consumption recorded during the year 2023-24 enhanced the load of the complainant from 11 KW to 18 KW and also levied Rs. 31,500/- as security deposit in the regular electricity bills of the complainant.

   2 of 4

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Secretary
CGRF (BYPL)

Complaint No. 547/2024

OP in its reply has submitted that in accordance with Regulation 17 of DERC Supply Code 2017, they have enhanced the load of the complainant.

The relevant Regulation is as under:-

17 (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.

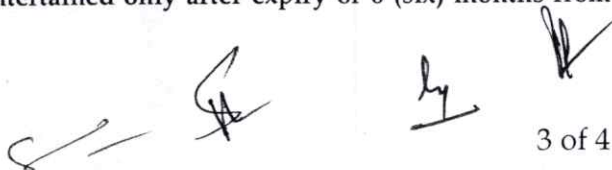
Provided that the period for billing cycle shall not exceed the period specified in these Regulations: Provided further that the minimum sanctioned load shall be 1kW.

(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. 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.

(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.

(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 subclause (ii), the request for any load reduction shall be entertained only after expiry of 6 (six) months from the date of enhancement of load.


3 of 4

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 547/2024

From perusal of the above stated Regulation, the OP has rightly enhanced the load of the connection installed at the premise of the complainant. We also feel that now the consumption of the connection installed at the premises of the complainant has reduced therefore, OP should take necessary action for reduction of load as per sub-clause (vi) and (vii) of Regulation 17 of DERC Supply Code 2017.

ORDER


The complaint is allowed. OP is directed to revise and reduce the sanctioned load of the connection installed at the premises of the complainant vide CA no. 100785619. The said revision should effect in the next bill of the complainant. The revised bill should be provided to the complainant within 10 days from the date of this order. No LPSC should be levied in the revised bill.


This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN