

C A No. 101231361  
Complaint No. 231/2024

In the matter of:

Mohd Irfan .....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)
4. Mr. H. S. Sohal, Member

**Appearance:**

1. Mr. Nishikant Ray, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Mr. Lalit  
On behalf of BYPL

**ORDER**

Date of Hearing: 1<sup>st</sup> August, 2024

Date of Order: 02<sup>nd</sup> August, 2024

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

1. This complaint has been filed by Mr. Mohd Irfan against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance are regarding setting aside amount of Rs. 4,72,000/- bill raised against CA No. 101231361 installed at premises no. H. No. 215, Gali No.-5, Maujpur, Delhi-110053. Complainant stated in his complaint that his electricity meter was burnt/stopped and in this regard he made telephone complaint to respondent office vide complaint No.

Complaint No. 231/2024

22051802588 and next day the staff of the respondent changed/replaced the meter with a new one.

Further he stated that there was no inspection report and load report made by respondent's staff at the spot at the time of changing the meter. He stated that an Enforcement case (DAE) was registered by respondent against him and no Enforcement bill was issued against him by respondent but in March 2022 respondent send a electricity bill/regular bill vide CA No. 101231361 of Rs. 4,72,000/- . Therefore, he requested the Forum to direct the respondent for withdraw/set aside the above said Enforcement DAE bill added in regular bill.

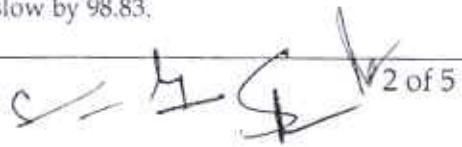
2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeks to set aside a bill claimed to be raised for Dishonest Abstraction of Electricity (DAE) in respect of CA No. 101231361 having meter no. 11528582 for Rs. 4,72,000/-, whereas , the same was raised on account of assessment of the unbilled units due to meter found slow on testing.

Date	Event
06.08.2022	Old meter having no. 11528582(Subject meter) removed.
06.08.2022	Subject meter sealed in gunny bag.
08.08.2022	New meter having no. 55406286 installed.
14.11.2022	The subject meter was tested and vides lab report it was concluded by lab of Oorja Technical that "Meter found tampered" and slow by 96.812.
15.11.2022	163 Notice issued.
25.11.2022	An inspection was carried out for the suspected case of DAE and connected load found to be 2.59/DX/KW.
06.12.2022	Upon Case analysis, the consumption pattern was found to be more than or near to 75% and meter was found slow by approximately 97%.
08.12.2022	A speaking order was passed in respect of quashing of DAE proceedings with directions for assessment on slowness of the meter.
09.02.2023	The Meter was re-tested and this time again it was concluded that the "meter was tampered" and slow by 98.83.

Attested True Copy



Secretary  
CGRF (BYPL)

 2 of 5

Complaint No. 231/2024

The meter bearing no. 11528582 installed against the aforesaid connection under the DX category was tested in a third-party lab on 14.11.2022. Upon testing of the meter, the lab vide its report had made the following visual observations:

- a) Meter received without box and terminal cover.
- b) Meter top cover found in open condition.
- c) Hologram seal found duplicate.
- d) Meter ultrasonic welding found tampered.
- e) Meter name plate found fabricated.

The special observations made upon testing of the meter are as follows:

- a) Two extra resistors found connected with shunt output wire inside the meter.
- b) Neutral CT output wires found short on PCB.
- c) El LED found short on PCB.
- d) Meter Data could not be downloaded.
- e) Meter Date and time found disturbed.
- f) Meter reading as per display.
- g) Meter serial no. as from the name plate 11528582 found different 09556996 as on display.
- h) Resoldering spots found on PCB at many locations.

Thus, the lab concluded that the meter was tampered. The said meter was found to be slow by approx. 97%. In terms of the lab report, the premise was inspected on 25.11.2022 and on inspection connected load was found to be 2.59 KW. In all likelihood connected load found at site was not as per actual existing connected load as inspection was carried after the issuance of notice under Section 163 of Electricity Act. The meter was retested on 09.02.2023 and the lab concluded that the meter was tampered and slow. The said meter-testing was witnessed by one Mr. Saurabh Sharma. Accordingly, the proceedings of Dishonest Abstraction of Energy were dropped.

Complaint No. 231/2024

The consumer was charged for six months prior to replacement of meter i.e. for the period of 07.02.2022 to 07.08.2022 for 1788 units whereas the complainant should have been charged for 44700 units. Accordingly, for the left over 42912 units consumer was charged by raising bill of Rs. 4,72,000/- which is duly payable by the consumer as the meter installed was inaccurate which is further evident from the consumption of units as recorded through the new meter presently installed against the subject electricity connection.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the subject meter was tested and vide lab report it was concluded by lab of Oorja Technical that Meter found tampered and show by 96.812. It is submitted here that respondent filed his reply and also attached the copy of lab report and the pate No. 7 i.e. Oorja Technical Service Pvt. Ltd., but there no address mentioned in the above said copy in the above said documents and it is clearly that the above said document is a fake documents and made by the respondent and mentioned in the lab report the "Conclusion Meter found tampered", but neither mentioned "Slow" in the lab report. It is further ~~superficially~~ denied that on 09.02.2023 the meter was tampered and show by 97.83. It is submitted there that in the lab report filed by the respondent clearly shows that the date of removal meter dated 25.11.2022, whenever no any meter was removal of the complainant by the respondent or any company and the above alleged meter was removal on 06.08.2022. It is submitted that on 25.11.2022 the site inspection by the respondent and the respondent found that the connected load 2.59 KW and previous consumption data on 06.08.2022 and after 06.08.2022 i.e. consumption data was 75% above, so the proceeding of DAE was dropped.

Attested True Copy  
Sur  
Secretary  
CGRF (BYPL)

 4 of 5

Complaint No. 231/2024

It is submitted that for the period of consumption data 07.02.2022 to 07.08.2022 for 1788 units and after replace of old meter consumption data 08.08.2022 to 07.02.2023 total consumption data 2983.66 units. If the complainant comparison between the above said units, 40.07% slow, whenever the respondent stated that 97% show.

4. Heard and perused the record.
5. From the narration of facts and material placed before us, we find that it is admitted fact that the meter was tempered by the complainant. Two accredited lab test reports stated that the meter was slow by more than 95%. Therefore, the bill raised by OP to the complainant is correct and payable by the complainant.

ORDER

The complaint is rejected. Bill raised by OP is correct and payable by the complainant. The OP is directed to waive off entire LPSC amount from the bill of the complainant and also allow the complainant to pay the balance amount in easy instalments along with current dues.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.

  
(H.S. SOHAL)  
MEMBER

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

5 of 5

Attested True Copy

  
Secretary  
CGRF (BYPL)