

C A No. Applied for
Complaint No. 553/2024

In the matter of:

Parmod Gupta

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Suraj Aggarwal & Mr. Neeraj Kumar, Counsels of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, Mr. Vijay Rana, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 30th January, 2025

Date of Order: 003rd February, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for change of tariff category and bill correction against C A no. 152558900 installed at premises no. A-25, GF, Jhilmil Industrial Area, Delhi-110095. It is also his case that since installation the connection is sanctioned for Industrial purpose but OP is issuing him bills on non-domestic tariff. Due to lack of knowledge he wasn't aware of it but now he got to know of this mistake of OP and raised this

Attested True Copy complaint.


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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking change of tariff category from non-domestic to Industrial category against existing connection having CA no. 152558900 in the name of Parmod Gupta. Reply further states that the connection was applied under industrial category and sanctioned also as per industrial category but the bill has been computed on non-domestic tariff.

Reply also states that the complainant furnished the affidavit and undertaking that the said connection on the applied premises would be used for godown (wire and cables) and no industrial activity is being carried out at the applied premises.

3. Representative for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the bills issued by OP are showing tariff category as Industrial, whereas the unit rates are of non-domestic. He further stated that the first bill after meter installation was raised on industrial tariff by OP thereafter the bills were issued to the complainant on non-domestic rates. Complainant further stated that along with the application for new connection in the year 2018 the complainant has also enclosed copy of DPCC certificate and factory license. He wasn't aware of the different between non-domestic and industrial connection.

4. Heard arguments of both the parties at length.

5. The relevant Tariff order applicable in the present case is narrated below:
Electricity Tariff Schedule for FY 2021-22 - BRPL, BYPL, TPDDL and NDMC.

The valid factory License shall be mandatory for applicability of Tariff under Industrial category:

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Provided that in case where the Factory License has expired and its renewal application is pending with the concerned authority, the DISCOMs shall bill such consumers as per Tariff applicable under Non-Domestic category;

Provided further that on renewal of the Factory License, the DISCOMs shall adjust the bills of such consumers as per applicable Tariff under Industrial category from the effective date of renewal of such License.

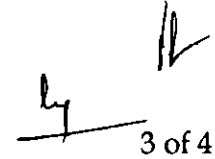
Explanation- The Factory License for the purpose of applicability of Industrial tariff shall mean the license or permission or authorization or any other document issued or granted by Directorate of Industries of Ministry of Micro, Small and Medium Enterprises or MCD or any other Central or State Government Agency, as applicable, for running an Industry or Factory in respective field of operation.

6. From the narration of facts and material placed before us we find that the in the year 2018 the complainant applied for new electricity connection under Industrial tariff category. The complainant along with application for new connection filed General Trade/Storage License and DPCC certificate for manufacturing of wires and cables and electrical goods. The first bill after installation of meter was raised to the complainant on Industrial Tariff Category, thereafter the tariff category on the bills were same as industrial but the rates per unit were changed to that of non-domestic.
7. In view of the above, we are of considered opinion that the complainant has been billed wrongly by charging non-domestic rates against industrial connection. The complainant has also submitted the valid factory license from 2018 till date.

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8. Therefore, OP should revise the bill of the complainant on industrial basis as above stated tariff orders and the period when the Factory License has expired the said period should be billed on non-domestic category.

ORDER

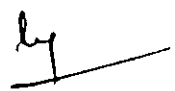
The complaint is allowed. OP is directed to revise the bill of the complainant from the date of installation of meter till date on industrial rates and for the period where factory license has expired or non-available the bill should be as per applicable non-domestic tariff.

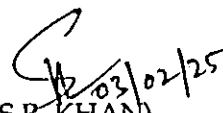
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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