

C A No. Applied for
Complaint No. 358/2023

In the matter of:

Parveen KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H. S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. S.S. Sharma, Mr. Pammi Kalra, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 21st December, 2023

Date of Order: 10th January, 2024

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

1. This complaint has been filed by Mr. Parveen Kumar against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that Mr. Parveen Kumar is using electricity through CA No. 151057167, installed at premises no. 325, Kh. No. 498, Bhura Mohalla, Village Sabhapur, Delhi-110094.

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Secretary
CGRF (BYPL)



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It is also his submission that OP raised him bill of Rs. 1,17,550/- for the period 08.04.2021 to 21.09.2021. His meter was running fast and he applied for meter testing on 08.03.2021 vide application no. 1026915230 and OP changed the meter on 05.10.2021 i.e. after more than 6 months. He approached licensee for revision of exorbitant high bill but OP did not pay any heed to his requests. Therefore, his request for revision may be granted.

3. OP in its reply briefly stated that the complainant has challenged the bill of Rs. 1,17,550/- in respect of CA no. 151057167 registered in the name of the complainant. OP further stated that bill of Rs. 1,17,550/- dated 22.03.2022 was raised after giving credit on assessment done as meter was found to be faulty by lab. The old meter bearing no. 55193947 was changed on 22.09.2021 with new meter no. 35698059 and was sent to lab on 01.10.2021 and lab report dated 05.10.2021 concluded that meter was found to be faulty. Accordingly, in terms of DERC Regulations 39 assessment was done.

As meter was found to be faulty in September 2021 as such assessment for the previous six months was done from 08.04.2021 to 21.09.2021, during this period billing was done for 13748 units whereas in a preceding year for the same period billing was done for 5388 units. As such credit of 8360 excess units was given accordingly, in March 2022 credit of Rs. 87657.81/- was given and as a consequence bill raised in March 2022 for Rs. 205205.44 was reduced to Rs. 117547.63/-.

OP further added that the complainant is highly irregular in making the payments. In year 2018 he made part payments only 4 times in a year.

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Likewise, in year 2019 he made payment only three times, in year 2020 only twice and in year 2021 only once he made the payment. After 08.03.2021, no payment was made by the complainant even after revision of the bill in March 2022. Now the meter stand disconnected against outstanding bill of Rs. 1,42,464.33/-.

4. Counsel of the complainant in his rejoinder stated that meter no. 55193947 recorded high consumption during the period June 2020 to September 2021 and thereafter the complainant moved an application for meter testing on 08.03.2021. Officials of respondent violated DER rules 32(2) & (8). The assessment done by OP is wrong. They did assessment for the period 08.04.2021 to 21.09.2021 whereas the meter was faulty from June 2020.
5. Before disposal of the complaint, relevant Regulations are stated here

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.

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6. As per above stated Regulation, the meter was reported defective by the complainant on 08.03.2021 but respondent did not pay any heed to the request of the complainant and replaced the defective meter in October 2021. OP raised the revised bill as per above stated Regulation for the period 08.04.2021 to 21.09.2021, whereas the complainant should be billed six months prior to 08.03.2021 as the complainant requested for faulty meter on that date only.

7. Therefore, we are of considered opinion that the bill of the complainant should be revised as per above stated Regulation and six months prior to 08.03.2021, when the complainant applied for testing of faulty meter.

ORDER

The complaint is allowed with the directions to OP to revise the bill of the complainant as per Regulation 39 (1) of DERC (Supply Code and Performance Standards) Regulations 2017 and six months prior to 08.03.2021.

OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.

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Secretary
CGRF (BYPL)

(S.R. KHAN)
MEMBER-TECH

(P K SINGH)
CHAIRMAN

(P.K.AGRAWAL)
MEMBER-LEGAL

(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER