

# Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act, 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032

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SECY/CHN 015/08NKS

## C A No. Applied For Complaint No. 289/2023

### In the matter of:

Reshma Khan .....Complainant

### VERSUS

BSES Yamuna Power Limited .....Respondent

### Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A 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, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

### ORDER

Date of Hearing: 29<sup>th</sup> August, 2023

Date of Order: 06<sup>th</sup> September, 2023

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for bill revision against CA No. 153184131 installed at premises no. 2646/2648, 4<sup>th</sup> floor, Gali Khajoor Wali, Kucha Challan, Daryaganj, Delhi-110002. It is also her submission that OP raised her bill of Rs. 57790/- on date 19.05.2023 which includes arrear amounting to Rs. 56772/-.

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She further added that the bill is exorbitant and needs revision. Therefore, her complaint for revision of bill may be granted.

2. OP in its reply submitted that the complainant has challenged assessment bill raised in respect of CA No. 153184131. OP further added that old meter was replaced and sent to lab for testing. The lab vide its report dated 20.06.2022 observed that meter was tempered and slow to an extent of 81%.

After change of meter, the assessing officer after studying the case based on inspection reports issued order dated 29.06.2022 quashing the proceedings of dishonest abstraction of energy. However, it was observed that due to slowness of meter assessment to be done as per DERC norms.

OP further added that in a similar matter titled as Mohd Mustafa Vs BSES-YPL bearing CA No. 185/2022, Forum has passed the order whereby billing done in terms of Regulation 32(7) was quashed and OP was asked to raise bill of DAE as meter was found tempered. Against the said order OP has filed an appeal in the form of writ bearing WP(C) no. 4454/2023 before the Hon'ble High Court of Delhi wherein the Hon'ble High Court vide its order dated 12.04.2023 stayed the order passed by Learned Forum. Thus in view of the order of Hon'ble High Court of Delhi, the present complaint is required to be dismissed.

3. Counsel of the complainant submitted that OP has checked the electricity meter in its own lab which has no relevancy to prove its version and has violated the Regulation 32(8) of DERC (supply code and Performance Standards) Regulations 2017, according to which DERC has authorized for checking the electricity meters in four labs.

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4. LR of OP submitted that they have got meter of the complainant tested by Oorja Technical Services Pvt. Ltd., which is an independent and accredited lab. OP also submitted 'Certificate of Accreditation' from **National Accreditation Board for testing and calibration Laboratories**. OP further added that they have dropped the DAE bill and have raised assessment bill as per DERC norms due to slowness of meter.
5. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
6. The main issue in the present complaint is whether the bill raised by OP for slow meter is correct and payable by the complainant?
7. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

**32. Testing of meter:- (8) Testing of tampered meter:-**

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**(i) If the Licensee suspects a case of unauthorised use of electricity and theft of electricity through a tampered meter, the meter shall be tested in an accredited laboratory notified by the Commission for that purpose: Provided further that in the absence of an accredited laboratory notified by the Commission, the meter shall be tested in any accredited laboratory other than that of the Licensee.**

**(ii) The Licensee shall remove the meter from site/consumer's premises and seal it in the presence of the consumer or his**

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representative in a container affixing thereon paper seals which shall be signed by both the parties. In case the consumer refuses to sign the paper seal, the same shall be photographed and videographed.

(iii) The Licensee shall schedule a date and time for the testing of meters with the accredited laboratory notified by the Commission and shall give at-least 3 (three) days prior notice to the consumer, intimating the date and time of testing so that the consumer or his authorized representative, if so desires, can be present during such testing.

(iv) The Licensee shall keep the sealed container with the meter under safe and secure custody, and hand over the same to the accredited laboratory notified by the Commission for testing on the scheduled date. (v) If at the time of handing over the sealed container with the meter for testing to the accredited laboratory notified by the Commission, it is found that the seal of the container is damaged or tampered or missing, in all such cases the licensee shall replace the meter at its own cost and shall not carry out any further proceedings or actions against the consumer on account of tampering or suspected tampering of the meter.

(vi) The accredited laboratory notified by the Commission shall test the meter on the scheduled date.

(vii) If as a result of testing, it is established that:

- a. the meter was not tampered, the licensee shall replace the meter free of charge, and it shall neither charge any fee for testing, nor initiate any action against the consumer.

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b. the meter was tampered, the licensee shall initiate action against the consumer, as per the provisions of the Act and applicable regulations for theft of electricity or unauthorized use of electricity, as the case may be, and shall also recover the cost of meter and the testing fee as notified in the Commission's Orders from the consumer.

8. In the present case, OP has billed complainant for faulty meter and as per DERC Regulations 2017, OP assessed bill of the complainant for a period of 6 months as per Regulation 40 (1) of DERC (Supply Code and Performance Standards) Regulations 2017.

Though M/s Oorja Technical Services Pvt. Ltd. may be an independent and accredited but as per Regulation 32(8)(iii) stated above, this laboratory is not notified by the commission. The meter testing report does not carry the signature of the complainant also therefore, the same cannot be considered. OP failed to submit the proof of any notice served to the complainant to appear for meter testing. Thus, the OP has failed to follow the provisions of Regulation 32 (8).

9. The Assessing Officer in his order dated 29.06.2022 has not accepted the meter testing report dated 20.06.2022 and thus it cannot be staid that meter was tampered.

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10. In view of the above, we are of considered opinion in the absence of justifying documentation on the part of OP, the bill raised by OP is not as per DERC Regulations 2017, and therefore, same is not payable by the complainant.

ORDER

The complaint is allowed. The OP is directed to charge the complainant under relevant sections of DERC Regulations 2017. The bill raised by OP for slow meter should be withdrawn.

OP is also directed file compliance report within 21 days of this order.

Case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.

  
(S.R. KHAN)  
MEMBER-TECH

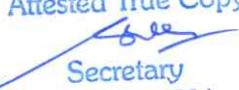
  
(P.K. SINGH)  
CHAIRMAN

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

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