

C G R F



B Y P L

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  
Phone: 32978140 Fax: 22384886  
E-mail: cgrfbypl@hotmail.com  
SECY/CHN/01/55865

**C A No. Applied For**  
**Complaint No. 515/2024**

**In the matter of:**

Shanti Mukund Hospital  
(Through Dr. Mohan Dubey) .....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. O.P. Gupta, Mr. K.K. Makhija, Ms. Rita, Ms. Rangoli Khanna, Mr. Anant Kumar Shakya, Counsels of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Monika Kaushik, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

**ORDER**

Date of Hearing: 14<sup>th</sup> May, 2025  
Date of Order: 21<sup>st</sup> May, 2025

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

1. The present complaint has been submitted to this Forum in terms of the Hon'ble High Court of Delhi order dated 12.08.2024, wherein it was directed that the petitioner (Consumer) may take appropriate steps to approach the CGRF established in terms of Section 42 (5) of the Electricity Act 2003.

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Hon'ble High Court of Delhi in its order dated 12.08.2024 also observed and passed order that "during the pendency of the preceding before CGRF the interim protection granted by this Court on 11.07.2006 shall remain in force.

The brief facts of the case are that the complainant Shanti Mukund Hospital is a charitable organization. The hospital has been in existence for more than 28 years. It has been provided with a H.T. Connection from DESU/BSES and has been paying all the power bills regularly within stipulated time period. It is also their case that respondent has been sending the complainant inflated fanciful bills. In the year 2003 a supplementary bill was issued by the OP claiming an amount of Rs. 16,66,508/- for the period 14.03.2002 to 25.01.2003 as charges for additional units of 3,98,982. Aggrieved by this bill the complainant challenged the same through their representation dated 7.5.2003 and the bill was reduced to Rs. 7,81,231/- , and then the matter was finally settled for Rs. 3,15,209/-.

OP tested the meter installed at the premises of the complainant on 12.07.2004 and during inspection of metering cubicle made the aforesaid observation:

"Metering cubicle and meter tested. Blue phase CT found defective. Hence, metering cubicle needs replacement. Meter results found within permissible limits."

Almost a year later, OP in its report dated 16.04.2005 made following observations:

Replacement of defective metering cubicle with new metering cubicle. Old meter MF is '6' new meter MF is '12". Meter tested, results found within limits. Meter downloaded by CMRI.

On 15.02.2006 vide its report no. 4471, OP made the following observations:

Meter had display latch, which was rectified. Now, the meter is showing reading correctly. Meter already tested vide report no. 4402 dated 21.01.2006.

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OP's report dated 05.05.2006 vide no. 5979, made the following observations:

The secondary wire ASI of R phase CT and CSI of B phase CT found interchanged. The same has been set right. After that working of the meter checked and found OK. Meter data downloaded through CMFI. Assessment should be done as per rule.

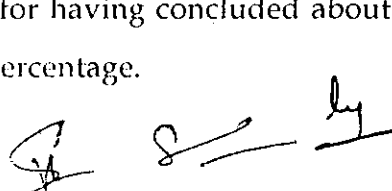
In pursuant to the report, OP sent a supplementary bill dated 27.05.2006 for Rs. 29,31,620/-. The Complainant, in response to the letter dated 27.5.2006, sent a communication dated 5.6.2006 questioning the basis / rules for issuing the supplementary bill. It was pointed out that right since the inspection on 5.5.2006, the meter was not displaying the parameters like KWH, KVAH, MD, PF etc. and despite their 5 reminders BYPL had not taken any action.

The complainant further stated that it is not understood as to how the wires got interchanged when on each inspection, they found that all the seals were intact.

In the letter dated 22.6.2006, the Complainant wrote to the OP that it is not understandable as how BSES detected and came to conclusion about interchange of CT secondary wires. Even if they have found physically, before changing / rectifying, this should have been shown to our staff present there. Also before changing wires ACCURACY TEST of the working of meter is must. This would have assured the consumer about slow running of meter. All above has not been done. The Complainant suggested that even secondary wires AS1 & BS1 interchange would not have affected the working of meter as per meter booklet remarks "Polarity change will not affect the working". The Complainant asked BYPL to provide following results: 1. CMRI downloaded data of 16.4.2005 and 5.5.2006, 2. Meter test results of 21.1.2006, 3. Specific formula for having concluded about slowness of the meter and by how much percentage.

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Therefore, the complainant has requested this Forum in its Complaint to quash the disconnection notice dated 16.06.2006, quash the supplementary bill dated 27.05.2006, quash the test report dated 05.05.2006.

2. The respondent in reply stated that the complainant is seeking the following reliefs:

- a) Quash the disconnection notice dated 16.06.2006 issued to the complainant by OP.
- b) Quash the supplementary bill dated 27.05.2006.
- c) Quash the test report dated 05.05.2006.
- d) To pass appropriate order with regard to refunds/adjustments partially or wholly for the amount which was deposited in compliance with the direction of deposit vide order dated 11.07.2006 as passed by Hon'ble High Court of Delhi.
- e) Declare the disconnection notice dated 16.06.2006 as also the supplementary bill dated 27.05.2006 and the disconnection of the supply.

Reply further stated that the complainant before this Hon'ble Forum is guilty of *suppressio veri, suggestio falsi* meaning thereby suppressing the truth and suggesting the false. The complainant themselves are guilty of causing unjust harm to the respondent licensee as during routine analysis of consumption pattern in April 2006, it was discovered that the recorded consumption of the complainant was abnormally low as compared to corresponding earlier period and upon further inspection it was discovered that a case of interchange of wires with the intention to under record the meter consumption was undertaken by the complainant thereby causing loss to the OP.

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OP also submitted that metering cubical was replaced on 16.04.2005 and at that time the connection was in order. However, the consumption of electricity recorded through meter from February 2004 to April 2005 was abnormally low.

It is also submitted that to unearth this deep routed conspiracy, the phasor diagrams of 16.04.2005, 02.06.2005 and 02.05.2006 of the metering were analyzed and finally it was discovered that the secondary wire of ASL of R phase CT and CSI of B phase CT were found interchanged.


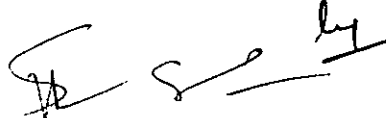
OP further added that in terms of spot checking dated 05.05.2006 in the presence of complainant's representatives it was discovered that the secondary wire of ASL of red phase current transformer and CSL of blue phase current transformer were found interchanged. The recorded consumption of electricity from 06.05.2006 to 10.05.2006 which is the period when the interchanged wires were set right on 05.05.2006 and the consumption was recorded as 17,736 units = 4434 units per day = 133020 units average monthly consumption.

OP also submitted that recorded consumption of electricity during the corresponding months from February 2004 to April 2005 were found to be abnormally low as compared to the recorded consumption. There was a shortfall of recorded consumption from May 2004 to May 2005 viz-a-viz the recorded consumption from May 2005 to May 2006 of Rs. 5,77,380/- units.

The consistent pattern of abnormally low recorded consumption had continued from February 2004 till May 2006 and as soon as the interchanges of wires were set of 05.05.2006 the recorded consumption went up substantially.

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The complainant is habituated to indulging in unfair devices to for reducing the assessment of demand for consumption of electricity as would be seen from the following table.

S.no.	Period of assessment	Reason of assessment	Amount of assessment (in rupees)	Amount settled
1.	14.11.1996 to 24.02.1997	Under recording meter	NA (DVB Period)	37172
2.	24.02.1997 to 15.05.1997	Under recording meter	NA (DVB Period)	62847
3.	August 2001 to April 2002	Under recording meter (CT wire found loose in the meter terminal)	16,65,508/-	3,51,208

The complainant is a habitual offender who under the grab of running the hospital is seeking his entitlement to cause unjust enrichment and loss to the respondent. Hence, the supplementary bill of Rs. 29,31,620/- is correctly raised following the due and applicable regulations and the complainant in order to wriggle out of its admitted legal liability by consuming the energy supplied by the licensee.

3. The complainant in its rejoinder refuted the contentions as averred by OP in their reply and submitted as under:
  - a) The wiring connection on 16.04.2005, i.e. at the time of replacing of metering cubical was in order, yet the consumption from February 2004 to April 2005 was abnormally low.
  - b) Despite abnormally low consumption pattern from February 2004 to April 2005. The respondent has chosen May 2004 to April 2005 figures of consumption as base, for the supplementary bill from May 2005 to April 2006.

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- c) In accordance with BSES inspection report no. 576 dated 12.07.2004, metering cubical required replacement, since blue phase CT was found defective. Yet the replacement was carried out by the respondent after a lapse of 9 months of 16.04.2005.
- d) Despite blue phase CT being found defective by respondent on 12.07.2004, respondent has taken consumption figures during this period as the base for calculation of supplementary bill.
- e) The respondent's contention that the wiring connection on 16.04.2005 (at the time of changing metering cubical) was in order, is not supported by any proof or evidence. At the same time OP is also alleging abnormally low consumption since Feb 2004.
- f) The metering cubical was erected, wires connected, tested and commissioned by Respondent's own people and sealed by them. The interchange of wires is a mere fabricated story, as interchange cannot take place by itself, especially when all the seals were found intact at all subsequent inspections.
- g) Regarding the phasor diagram filed by OP, it is an afterthought on the part of BSES as on 16.04.2005, BSES representative came to site to change the metering cubical, even at that stage, they did not mention anything about the data collected for preparation for phasor diagram, nor did they hand us over the copy of the phasor diagram on 16.04.2005.
- h) That after changing the metering cubical on 16.04.2005, the respondent had conducted the first spot check only on 05.05.2006 i.e. after a lapse of more than one year. And that this delay is beyond comprehension in the face of their concern of the alleged low consumption from April 2004 to April 2005.
- i) Earlier also OP has raised the complainant a supplementary bill dated 23.04.2003 on the basis of M/s Sands/MTD team report wherein the Red Phase CT wire was found loose in the meter

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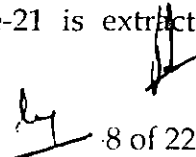
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terminal, but the OP raised the bill presuming the R Phase completely disconnected. This bill was contested by the petitioner and said bill was revised by respondent from Rs. 16,66,508/- to Rs. 3,51,208/-.

- j) The above facts clearly bring out, that BSES is in the habit of intentionally charging highly inflated supplementary bills to the consumer with an ulterior motive and thereafter seeking for mutual settlement through harassment and threat of costly litigation, thus trying to grab unauthorized money from the consumers.
4. During the course of arguments both the parties were asked to explore possibility of mutual settlement. Both the parties did not arrive on any settlement. On the final hearing, OP filed current electricity bill of the complainant showing Rs. 2, 20,254.77 as LPSC which they can waive off.
5. Arguments of both the parties were heard in details listing it separately for full sessions.
6. This case pertains to the events which are more than 20 years old. It is unfortunate that the dispute could not be resolved earlier. There was no allegation by the OP regarding the theft of electricity, DAE or the tampering of meter seals by the consumer. All seals were found correct. The bill was charged by the OP on the basis of consumption pattern due to defective meter.
7. The OP emphasized the Clause-21 of "Delhi Electricity Regulatory Commission (Performance Standards - Metering & Billing) Regulations, 2002" before this Forum. The Clause-21 is extracted below:

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**21. Billing during the period defective/burnt meter remained at site**

(i) The consumer shall be billed (for the period meter remained defective) based on the estimated energy consumption by taking the consumption pattern of the consumer for the 6 months prior to and 6 months after the period during which the meter remained defective. The amount already paid by the consumer by way of provisional bills for the period meter remained non functional or defective, shall be adjusted in this bill.

(ii) In cases where the recorded consumption of past six months prior to the date meter became defective, is either not available or partially available, the consumption pattern as obtained from such lesser period along with the above mentioned subsequent six months' pattern shall be deemed sufficient for estimation of consumption.

(iii) In case, the Maximum Demand Indicator (MDI) of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the demand charges shall be calculated based on billing demand during corresponding 14 Delhi Electricity Regulatory Commission months/billing cycle of previous year, when the meter was functional and recording correctly. In case, the recorded MDI of corresponding month/billing cycle of past year is also not available, the highest of the billing demand during 6 months succeeding meter replacement shall be considered.

8. According to the OP the consumption pattern of the Complainant was studied and the OP concluded that there was under billing. Accordingly, a supplementary bill was charged to the complainant. Though the OP, in its pleadings or arguments, has not cited the justification for treating the CT as meter, it is pointed out here that the CT is part of meter as per aforesaid regulation. Clause-2(p) which defines meter is extracted below:

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(p) "Meter" shall mean a device suitable for recording consumption of electrical energy or any other quantity in electricity supplied during any specified period and To be published in Part IV of Extraordinary Gazette of Govt. of NCT of Delhi shall include, wherever applicable, other associated equipment such as CT, PT etc. necessary for such recording.

9. The Complainant has disputed the process adopted by the OP stating that the metering cubical was erected, wires connected, tested and commissioned by Respondent's own people and sealed by them. The interchange of wires is a mere fabricated story, as interchange cannot take place by itself, especially when all the seals were found intact at all subsequent inspections. This argument on the part of the Complainant is quite logical and holds water.

10. Here we can take benefit of a similar case- WP(C) No. 18364 of 2014 decided on 20<sup>th</sup> May, 2024, titled as 'P.K.KUNJUMHAMMED, MYTHREE ICE & COLD STORAGE, THOPPUMPADY-682005 Vs ASST.ENGINEER, ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD, THOPPUMPADY-682005 & ORS, Hon'ble Kerala High Court set aside the bills raised against the Petitioner. Important extracts from the Judgment are reproduced below (Sr. no. of paragraphs below relates to serial no. of paragraphs in Judgment):

1. "The petitioner is a consumer of electricity (with consumer No.14294 under LT 4A tariff) under the 3rd respondent. The petitioner has approached this court challenging the demands raised on the petitioner in terms of Exts.P4, P7 to P9 and P11 to P14 bills, which have been issued to the petitioner on the basis

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that there was a defect in the Current Transformer (in short 'CT') resulting in 1/3rd of the actual consumption of the petitioner not being recorded by the meter installed at the premises. The impugned bills have been issued for the period between July 2013 to July 2014.

2. The petitioner is a consumer of electricity under LT-4A tariff. The connection was availed to run an Ice plant near the Cochin Harbour. There is no allegation that the petitioner had indulged in any malpractice, as a result of which there was a failure to record the actual consumption in the meter installed at the premises of the petitioner. The inspection by the Anti Power Theft Squad (APTS) in March 2014, allegedly indicated that one phase of the meter was not recording properly on account of some defect in the CT. It is seen from Ext.P2 Mahazar and the counter affidavit filed by the respondents that a defect was noticed in the CT, which defect resulted in a short recording of the actual consumption of the petitioner. According to the respondents, the data obtained while decoding the meter was available from 10-11-2013. However, since there was a fall in consumption from May 2013 onwards a short assessment bill was issued for the period from 7/2013 to 2/2014 for a sum of Rs.4,09,115/- (Exhibits P4 and P5).
5. Following the order dated 22-09-2014, an affidavit was filed by the respondents which indicated that the defect which resulted in the short recording of actual consumption was subsisting and therefore the CT was replaced and a new meter was also installed at the premises of the petitioner. The respondents have also attempted to justify the demands raised on the

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petitioner in the affidavit dated 30-09-2014. The respondents have filed an additional affidavit dated 11-11-2014 again attempting to justify the demands raised on the petitioner for the period before the replacement of the CT and the meter and also justifying the demand for a sum of Rs.59,013/- on account of revision of tariff.

6. The question regarding the legality of the demands raised on the petitioner will depend on the interpretation to be placed on the provisions of the 2005 Code framed under Section 50 of the 2003 Act. The provisions applicable are those contained in the 2005 Code as the disputes relate to a period before the introduction of the 2014 Code. The Regulation 19 of the 2005 Code deals with the aspect of reading of meters. It provides as under: 19. Meter reading.- (1) Meter reading shall be taken by the employees or the persons authorized by Licensee and record the same on the meter card provided for such purposes by the Licensee near such meter. The meter card shall be open to inspection by the consumers.

A reading of Regulation 19 indicates that where the licensee is unable to raise a bill on meter reading due to its non-recording or malfunctioning, the licensee shall issue a bill based on the previous six months' average consumption and in such case, the meter shall be replaced within one month. In the facts of the present case, the alleged defect was with the CT and not with the meter itself. As per Regulation 2(p) of the Central Electricity Authority (Installation & Operation of Meters) Regulations 2006, "meter" means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipment such

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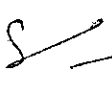

as Current Transformer (CT), Voltage Transformer (VT) or Capacitor Voltage Transformer (CVT) necessary for such purpose'. Equipment such as Current Transformer (CT), Voltage Transformer (VT) or Capacitor Voltage Transformer (CVT) are used to step down the voltage of the supply to enable the recording of consumption by the meter.

There is nothing in Regulation 19 which contemplates or provides for the procedure to be followed if a consumer disputes any short assessment bill on account of any alleged defect in the meter. Regulation 24 of the 2005 Code deals with disputes in bills. While it provides an opportunity for a consumer to dispute the correctness of the bill, it does not stipulate any procedure for determining the amount of electrical energy that has allegedly escaped recording in the meter. The provisions of the 2005 Code dealing with cases of tampering of meter etc. are not being referred as it is not even alleged that the petitioner had employed any surreptitious means to ensure that the meter did not record the correct amount of electrical energy consumed by him.

7. A reading of Regulation 42 indicates that when there is a dispute regarding the accuracy of the consumption recorded by a meter the matter has to be determined by the Board or the Electrical Inspector to the Government and further that where the test is conducted by the Electrical Inspector and the meter is found to be incorrect, the period during which the meter is deemed to be incorrect and the amount of energy supplied to the consumer during the said period shall be decided by the Electrical Inspector. In the facts of the present case, it does not appear that the question as to the amount of electricity that is supplied to the petitioner but not recorded by the meter

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has been determined by reference to the Electrical Inspector. At this juncture it may be relevant to notice the provisions of Section 26 of the erstwhile Electricity Act, 1910 which (among other things) deals with the procedure to be adopted in case there is a dispute either by the licensee or by the consumer regarding the correctness of a meter.

8. In the facts of the present case, the meter had allegedly failed to record the actual amount of consumption on account of a defect in the CT. As per Regulation 2(p) of the Central Electricity Authority (Installation and Operation of Meters) Regulations 2006, 'Meter' includes a Current Transformer (CT), Voltage Transformer (VT) or Capacitor Voltage Transformer (CVT). That apart, the decisions of the Supreme Court in *Atma Steels* (supra) & *Tata Hydro-Electric Power Supply Co. Ltd.* (supra) clearly hold that since the CT is part of the metering system, a defect in the CT will also have to be treated as a defect in the meter. Therefore, the decisions in *Southern Indian Marine Products* (supra) and *Anappuram Rubber Products (P) Ltd.* (supra) do not aid the case of the Kerala State Electricity Board before this Court. It is clear from the facts of the present case that, after the initial inspection in March 2014, a short assessment bill was issued for the period from July 2013 to February 2014. It is also admitted that the data obtained while decoding the meter was available only from 10.11.2013. The only justification for issuing short assessment bills for the period from July 2013 was that there was a fall in consumption from that month onwards. The case of the petitioner that there was a fall in consumption because the business in which the petitioner was engaged, was seasonal, does not appear to have been considered at the time of issuance of the short assessment bill from July 2013.

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9. When a consumer raises an objection that there cannot be any demand on the basis of short assessment, there cannot be a unilateral assessment of the amount of electricity that has escaped recording by the meter by the Kerala State Electricity Board (licencee), especially in the light of the law laid down by the Supreme Court in *Basantibai (M.P. Electricity Board and others v. Basantibai*, (1988) 1 SCC 23) where the Supreme Court has referred to the purpose and intent of Section 26(6) of the erstwhile Indian Electricity Act, 1910. Though the provisions of the erstwhile Indian Electricity Act, 1910 are no longer applicable and have been repealed by the provisions of the 2003 Act, the law laid down in *Basantibai* (supra) continues to hold good for the reason that there cannot be a unilateral assessment by the licensee of the amount of electricity that has escaped metering especially in a case like this where the provisions of Section 126 of the 2003 Act are not attracted and there is no allegation of any malpractice.
10. It is clear that though the provisions of Regulations 19 and 24 of the 2005 Code deals with the issue of meter reading and disputes in the bill, no provision appears to have been made for reference to an independent authority when the consumer objects to a short assessment bill which has been issued on the basis that there is a defect in the meter or in the CT. This appears to be a serious lacuna in the law. The provisions of Regulation 42 of the Kerala State Electricity Board Terms and Conditions of Supply, 2005 appear to make a provision similar to that contained in Section 26(6) of the erstwhile Indian Electricity Act, 1910 and makes provision for reference to the Electrical Inspector. However, it stops short of setting out a clear and definitive procedure as contemplated by the

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provisions of Section 26(6) of the erstwhile Indian Electricity Act, 1910; d) Regulation 125 of the 2014 Code (which are not applicable to the facts of the present case) dealing with the procedure for billing in the case of defective or damaged meter contemplate that while determining the amount of electricity that has allegedly escaped metering the licensee must have due regard to any evidence given by the consumer about conditions of working and occupancy of the concerned premises during the period in question and which might have a bearing on the energy consumption while computing the average consumption which forms the basis of the billing for the disputed period. In the facts of the present case, the petitioner has a definite case that the business in which he was involved in was seasonal. Though there is no provision similar to Regulation 125 of the 2014 Code in the 2005 Code, even without such provision, it was incumbent on the authorities to consider this aspect without mechanically assuming that  $\frac{1}{3}$  rd of the consumption has not been recorded on account of the defect in the CT. This aspect has not been considered in any of the impugned demands raised on the petitioner. e) The provisions of Regulation 19 (2) of the 2005 Code indicate that the meter or the CT should have been immediately replaced on coming to know that it was defective. In the facts of the present case, the defects were finally rectified only after the directions issued by this Court on 22.9.2014. Therefore, there is clear negligence on the part of the authorities in replacing the CT after the defect was noticed for the first time in the month of March 2014. 8. Therefore, the demands raised on the petitioner after the initial period of short assessment from July 2013 to February 2014 are liable to be quashed."

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11. Coming to the present case, we can see there is complete similarity between the facts of this case and the Kerala High Court Case cited above. The logical analysis done by the Hon'ble High Court applies to the present case also. Now, we shall proceed to analyze vital facts of this case in the light of arguments and rules in the succeeding paragraphs.

12. No doubt that as per the consumption chart produced by the OP, the consumption of units is less for the period from May 2005 to May 2006, but it is less for the periods Nov 2004 to April 2005 and other periods also. This consumption pattern on its own, while ignoring other factors affecting metering, will not provide us a reliable basis for finding out the correct consumption. As the OP itself has calculated the consumption after interchanged wire were set right, it should be 133020 units average monthly consumption, but it was 122112 for June 2006, 119304 for Jul, 2006 and 93648 for Aug 2006. Here, it is important to notice that on 12.7.2004, Blue Phase CT was found defective, and it was also reported that metering cubicle needs replacement, but it was replaced on 16.4.2005 after lapse of 9 months. Despite the fact that Blue Phase CT was defective the meter recorded more than 110000 units every month till Oct, 2004 but then it went very low for 5 months from Nov 2004 to March 2005. However, the OP did not find any problem with metering when the metering cubicle was replaced on 16.4.2005. There was no mention in the report of 16.4.2005 about what action was taken to rectify defective Blue Phase CT. The report says that old meter MF is "6". New Meter MF is "12". On 15.2.2006, the technicians of the OP again inspected the electric installation at the premises of the Complainant. According to their report, meter had display latch, which was rectified. Now, the meter is showing reading correctly.

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Meter already tested vide report no. 4402 dated 21.01.2006. Thus, during the period for which the OP has assessed the consumption, taking help of Clause-21 of "Delhi Electricity Regulatory Commission (Performance Standards - Metering & Billing) Regulations, 2002, the engineers of OP have inspected the electric installation of the Complainant again & again. The OP was fully aware of the situation existing there and it never reported about the malafide action of the Complainant. The Complainant has submitted that there would be variation in electricity consumption depending upon occupancy of beds and use of machines which varies as per number of visiting patients. Keeping all these factors in view, we do not find any force in the arguments of OP made in this regard.

13. Though CT is a part of meter as per Regulations, there is basic difference between the two devices. While meter can measure the units and can be analyzed in the lab to find out whether it is recording fast or slow. The CT does not have any such capacity in itself. As Hon'ble High Court of Kerala has pointed out that we can not say how much electricity has escaped due to a faulty CT. Neither OP nor the Regulations provide any such mechanism by which we can measure the effect of a defective CT. Clause-18,19 & 20 of the aforesaid Regulation provide for the reading, testing & complaints regarding meter. Regarding meter complaints, we may note Clause-20 (i) & (ii) which say-

**20. Meter Complaints**

- (i) Correctness of meter (a) Should the consumer dispute the accuracy of the meter, he may, upon giving notice/complaint to that effect and paying prescribed testing fee, have the meter tested by the licensee. (b) The licensee shall, within 15 working

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days of receiving the complaint, carry out testing of the meter and shall furnish duly authenticated test results to the consumer. (c) If the meter is found to have error beyond the limits of accuracy as specified in Rule 57 of Electricity Rules, and the meter has not been tested within the meter testing schedule as prescribed in Regulation 19, the amount of past energy bill shall be adjusted in accordance with the result of test with respect to the meter readings of the 3 billing cycles prior to the billing cycle in which dispute has arisen and upto the date of replacement of meter. (d) The consumer shall not liable to pay any demand violation charges if the demand computed on the basis of test results of the meter exceeds his contract demand.

(ii) Meter not recording (a) If the meter is not recording/stuck as reported by the consumer, the licensee shall check the meter and if found stuck, the meter shall be replaced by the licensee/consumer, as the case may be, within 30 days of receipt of complaint. (b) If the meter is not recording/stuck as noticed by the licensee, the licensee shall notify the consumer. Thereafter, the licensee shall check the meter and if found stuck, the meter shall be replaced within 30 days. (c) The consumer shall then be billed on provisional basis on average consumption of last three billing cycles for a period between the date of last reading and the date of replacement/repair of the stuck meter.

We may note Clause-19 also which says about regular testing of meters-

**19. Testing of meters**

(i) The licensee shall conduct periodical inspection/testing and calibration of the meters as per Rule 57 of Electricity Rules, in the following manner:

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- (a) Periodicity of meter tests: The licensee shall observe following time schedule for regular meter testing: Category NDMC, MES, Railways Bulk supply meters (HT) LT meters (11kW-100 kW) LT meters (upto 11 kW) Interval of testing 6 months 1 year 3 years 6 years. Wherever applicable, CT and PT shall also be tested along with meters.
- (b) When the meter is found to be fast beyond limits specified in Rule 57 (1) of the Electricity Rules, the licensee/consumer, as the case may be, shall replace/rectify the defective meter within 30 days of testing. The licensee shall adjust/refund the excess amount collected on account of the said defect, based on percentage error, for a period not more than 6 months from the date of test and charge the cost of replacement/repair of the meter in the next bill sent to the consumer.
- (c) When the meter is found to be slow beyond permissible limits, as specified in Rule 57 (1) of the Electricity Rules and the consumer does not dispute the accuracy of the test, the licensee/consumer, as the case may be, shall replace/rectify the defective meter within 30 days of testing. The consumer shall pay the difference due to the defect in the meter at normal rates, based on percentage error, for a period of not more than 6 months prior to date of test with due regard being paid to conditions of 12 Delhi Electricity Regulatory Commission working, occupancy etc. of the premises during this period and up to the date on which defective meter is replaced/rectified.
- (d) If the consumer or his representative refuses to sign the test report and pay due billing charges, the defective meter shall not be replaced/rectified and the licensee shall approach the designated electrical inspector, who shall test the correctness of the meter and give results within one month. The decision of the Inspector shall be final and binding on the licensee as well as the consumer.

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- (ii) The licensee shall keep record of all such meter tests and submit to the Commission exception report every six months.

The Forum has noted that these regulations do not say anything about the defective CT and how the billing should be done when CT is defective. Further, it can be seen from the events narrated above that OP itself has not followed the Regulations regarding metering scrupulously.

14. As a matter of fact, the OP should have inquired as to how the CT wires were interchanged while all the seals were found correct and there was no report of tempering. Interchanging of meter (including CT) wires cannot be done without collusion of the employees of the OP. However, the OP did not take pains to pinpoint and fix up responsibility of such dishonest employees (or intelligent!!) who interchanged the CT wires. The CEO of BYPL should initiate an inquiry to pinpoint the dishonest employees involved in this act / omission and take strict action against them. An Action taken report be submitted to this Forum within 21 days.

15. In the conclusion, we are of the view that OP has not acted according to Rules & regulations and has failed in its duty to test and maintain the meter of the Complainant properly as per rules. It has not attended the grievances of the Consumer promptly and satisfactorily. There was no justified ground for raising the supplementary bill of Rs. 29,31,620/- against the complainant. Therefore, it will be fair and just to quash the supplementary bill dated 27.05.2006 for Rs. 29,31,620/- along-with the LPSC accumulated so far and also to quash the disconnection notice dated 16.06.2006.

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ORDER


The complaint is allowed. OP is directed to withdraw the supplementary bill dated 27.05.2006 for Rs. 29,31,620/- along-with the LPSC accumulated on this bill so far and also to withdraw the disconnection notice dated 16.06.2006. OP is also directed to file compliance report of the action taken by the CEO of BYPL against the dishonest employees involved in the act / omission of interchanging the CT wires at the premises of the Complainant after holding an inquiry as mentioned above.

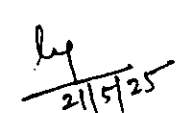
OP is directed to file compliance report within 21 days of the action taken on this order.

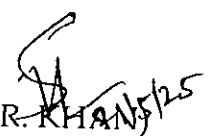
The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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

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