



CA No. 10040220  
Complaint No. 37/2026

In the matter of:

Shiv Kumar Sharma .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

1. Mr. Shiv Kumar Sharma, the complainant
2. Ms. Akanksha Tanvi, Mr. R.S. Bisht, Mr. Puneet, Ms. Monika Sharma, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

**ORDER**

Date of Hearing: 30<sup>th</sup> April, 2026  
Date of Order: 05<sup>th</sup> May, 2026

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

1. The brief facts of the grievance are that the complainant was raised provision bill on 20.11.2025 amounting to Rs. 1,14,580/-. Thereafter the meter installed against the said connection was changed on 4.12.2025, and the complainant was raised assessment bill on 20.12.2025 for Rs. 1,42,250/-. The meter was tested in lab and as per lab test report, meter found dead, final reading was NV with observation meter data could not be downloaded accuracy could not be done, meter LCD and LED found dead.

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The complainant further stated that his premises were locked for the above said period hence the bill raised by OP is illegal and arbitrarily high. Therefore, he requested the Forum for withdrawal of illegal bill amount.

2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking revision of pending dues against CA no. 10040220. The details of the dues are as follows:

- a) That provisional bills were issued to the complainant from October till November 2025 amounting to Rs. 69,050/- and Rs. 45,055/- respectively, as the premises were locked.
- b) Thereafter, the meter was tested in lab and it was found that the meter was received without terminal cover and meter body found damaged, due to which meter data could not be downloaded and accuracy check could not be done. The meter was found to be dead.
- c) Accordingly, on 04.12.2025 complainant's old meter was changed against order no. 1038540769.
- d) That pursuant to replacement of defective/damaged meter, the respondent raised system generated bill amounting to Rs. 1,42,250/- which comprised assessed units of 18352 for the period 18.09.2025 to 10.12.2025 and new meter units of 610 for the period 11.12.2025 to 18.12.2025.
- e) That the said bill is raised in accordance and terms with Regulation 39 (1) of the Supply code, which states that in case of defective or damaged meter, the consumer will be billed on the basis of actual average consumption recorded during the corresponding period in the preceding year, excluding the provisional billing.

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3. The complainant in its rejoinder refuted the contentions made by respondent in their reply reiterated his original complaint. The complainant also stated that the complainant's premises remained vacant and non-operational during the period from 12.09.2025 to 01.12.2025. That it is a well settled principle of law that where an immovable property remains vacant or not in use, the electricity charges ought to be levied only on the basis of fixed charges, and not on any notional or inflated consumption basis. The billing details filed by OP pertains to impugned electricity bill raised for a sum of Rs. 1,42,250/- reflecting consumption of 18,352 units for the period from 18.09.2025 to 10.12.2025 along with an additional consumption of 610 units for the period from 11.12.2025 to 18.12.2025 as recorded through a newly installed meter. The said billing is arbitrary, excessive, and has been raised in an unfair and unjustified manner.

The complainant also submitted that the subject premises had been under tenancy and the previous tenant vacated the premises on 12.09.2025 after adjustment of security deposit. That the complainant does not owe any amount whatsoever towards the alleged dues of Rs. 1,00,010/- as claimed by respondent and the said demand is wholly arbitrary and untenable.

4. Arguments of both the parties were heard.


5. The Forum has carefully considered the pleadings, documents placed on record, and arguments advanced by both parties.

The following facts are undisputed:

- The complainant was issued **provisional bills** for October and November 2025 as the premises were found locked.

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- The meter installed at the premises was replaced on 04.12.2025 after being removed and sent for laboratory testing.
- As per the lab report, the meter was found:
  - **Dead and non-functional**
  - Without terminal cover and with a **damaged body**
  - Data could not be downloaded and **accuracy could not be ascertained.**

6. In view of the above, the Forum notes that the meter was not merely defective but **physically damaged**, rendering it incapable of recording consumption.

The respondent has stated that, due to the defective/damaged condition of the meter, billing was carried out in accordance with **Regulation 39(1) of the applicable Supply Code**, which provides that in cases of defective or non-functional meters, consumption is to be assessed on the basis of **average consumption of the corresponding period of the previous year**, excluding provisional bills.

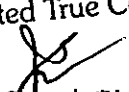
The respondent has further clarified that:

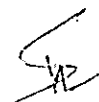
- The impugned bill of Rs. 1,42,250/- includes:
  - **Assessed consumption of 18,352 units** for the period 18.09.2025 to 10.12.2025
  - **Actual consumption of 610 units** recorded by the newly installed meter thereafter.


7. The primary contention of the complainant is that the premises remained vacant and, therefore, only fixed charges should have been levied.

However, the Forum is unable to accept this contention for the following reasons:

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### 1. **Absence of Conclusive Proof of Vacancy**

The complainant has merely asserted that the premises were vacant after 12.09.2025. However:

- No documentary evidence such as disconnection request, surrender of load, or intimation to the respondent has been produced.
- No inspection report or independent evidence has been placed on record to establish that the premises remained continuously non-operational.

### 2. **Consumer Responsibility for Meter Protection :-**

The meter was found **damaged and without terminal cover**, which indicates possible external interference or lack of proper care. As per supply regulations, the consumer is responsible for the **safe custody and protection of the meter installed at their premises**.

### 3. **Applicability of Regulation 39(1)**

In cases where:

- The meter is **defective, damaged, or dead**, and
- **No reliable data is available**,

The licensee is legally empowered to raise an assessment based on **average consumption of the corresponding period of the previous year**.

The complainant has not challenged the correctness of the methodology adopted, nor produced any alternate consumption record.

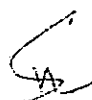
### 4. **Validity of Assessment Billing**


The assessment carried out by the respondent is:

- **System-generated**
- Based on regulatory provisions
- Inclusive of actual recorded consumption after meter replacement

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There is no material on record to establish that the assessment is arbitrary or in violation of the applicable regulations.

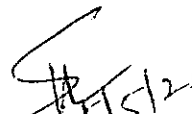
8. In view of the above discussion, the Forum holds that the respondent has acted in accordance with the applicable Supply Code and regulations, the assessment bill has been raised on a legally sustainable basis and the complainant has failed to substantiate the claim of zero consumption or illegality in billing.

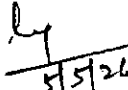
ORDER

Accordingly, the complaint is dismissed, and the Forum orders that the impugned bill of Rs. 1,00,010/- is held to be valid and payable. The complainant is directed to pay the outstanding dues as per the bill, in accordance with applicable rules. However, considering the facts and circumstances, the respondent may allow the complainant to pay the amount in reasonable installments, as per policy, upon request.

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.

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

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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