

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 Kat-2850003  
Shahdara, Delhi 110032  
Phone: 8010039780  
E-mail: carbyvel@bseymail.com

RA No.01/2019 IN CG 32/06/2019

SATISH SINGH

Vs

BSES YAMUNA POWER LIMITED (D) MAYUR VIHAR I&II

ORDER SHEET

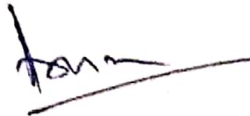
Date: 01.10.2019

Present:

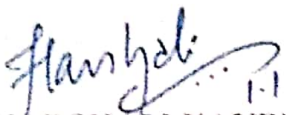
1. Complainant
2. Mr. Imran Siddiqi, Mrs. Renu Thukral  
& Mr. Achal Rathi, on behalf of BYPL.

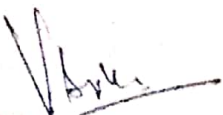
The complainant is present. He has filed reply of the review application.

Arguments for review application have been heard and the case is reserved for order.



(ARUN P. SINGH)  
CHAIRMAN

  
(HARSHALI KAUR)  
MEMBER(CRM)

  
(VINAY SINGH)  
MEMBER(LEGAL)



CA No.101127048

Complaint No. RA No. 1/2019 IN C.G. No. 32/06/2019

In the matter of:

Satish Singh .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. Arun P. Singh (Chairman)
2. Mrs. Vinay Singh, Member (Law)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Imran Siddiqi, Mrs. Renu Thukral & Mr. Achal Rathi,  
On behalf of BYPL
2. Complainant

ORDER

Date of Hearing: 01<sup>st</sup> October, 2019  
Date of Order: 03<sup>rd</sup> October, 2019

Order Pronounced By:- Mr. Arun P. Singh, Chairman

The complainant approached the Forum on 31.05.2019 for correction of his bill due to fault in meter. The Forum heard both the parties at length and reserved the case for orders and vide its order dated 27.06.2019 directed the respondent to revise the bill of the complainant on the basis of average consumption as recorded by the new meter (installed on 29.11.2017) during the corresponding period/season. The period for the bill revision as above is allowed for the period of one year proceeding to the date of replacement of meter (i.e. 29.11.2017) on the basis of the facts that the licensee (respondent) did not test

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Complaint No. RA No. 1/2019 IN C.G. No. 32/06/2019

the meter for its accuracy and also as per requirements (at least once in every five years) of Clause 32 (Testing of Meters) of the Regulations and circumstantial evidences suggest that the meter is suspected to have developed defect/fault in March 2016. The respondent shall ensure to revise the bill as per this order within three weeks from the date of this order and the complainant must ensure full payment of the revised amount within two weeks from the date of receipt of the revised bill.

Against this order of the Forum, the respondent filed a review petition in the Forum on 26.07.2019. The Forum heard the review petition and vide its order dated 06.09.2019 opined that the review application of the respondent is maintainable and accordingly notices be issued to the parties for further hearing.

During the hearing the complainant submitted photocopy of letter dated 25.03.2016 purportedly written to BYPL requesting for checking of meter and revision of the bill, but this letter does not have any acknowledgement by BYPL. The respondent also denied having received any request for checking of the meter prior to his request dated 17.11.17.

With respect to provisional payment, we are of the opinion that it is ordered only when there is scope for revision of the bill on some grounds otherwise part payment (payment in instalments) is ordered wherein full bill amount is divided into certain instalments to be mentioned clearly in the order. In the present case, respondent asked for provisional payment of Rs.1,00,000/- (one lac) that is clearly indicative that they accepted revision of the electricity bill. Otherwise also, following facts/grounds were there for such action;

- (i) The energy meter taken out on dated 29.11.17 was having 'No display problem' and sparks/spots on meter output neutral terminal (as also mentioned in the test report dated 04.12.17 of BYPL lab) and electricity supply on this connection was through that indicates there was no

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Complaint No. RA No. 1/2019 IN C.G. No. 32/06/2019

discontinuity of the meter output neutral wire due to spark or burn marks on the terminal. In the lab, BYPL retrieved the reading also which indicates that meter was recording consumption also till the time it was taken out from the complainant's premises and hence there appeared to be no problem for testing it for accuracy as requested specifically by the complainant.

- (ii) The respondent took about ten months in revising the bill (in Sept.2018) of the complainant on the basis of his own lab test report of December 2017 and thus raised incorrect/erroneous bills during this period, which is another deficiency in their service.
- (iii) The respondent while ordering meter replacement on payment of Rs.1,00,000/- provisional payment, has clearly shown its reluctance to test/check the accuracy, which should have been arranged expeditiously since the consumer specifically requested for the same. Under such circumstances, the only available record for bill revision remains the consumption as recorded by old and new meters and proper analysis indicates that old meter was recording higher consumption. So for assessing actual consumption, only the consumption as recorded by the new meter can be the basis.
- (iv) The respondent did not disconnect the supply on non-payment of dues for quite long period and as per complainant, it was on account of fact that meter replacement/bill revision was pending.
- (v) The complainant never exceeded the sanctioned load limit. So black/burn spots due to sparking on meter output neutral terminal are not attributable to the complainant.
- (vi) The complainant has submitted that the meter was defective since March 2016 (10.03.2016) in his letter dated 17.11.2017 while in his letter dated 06.05.2019, he is referring to the bill for the month of April 2016 received in May 2016 and hence there is no inconsistency as pointed out by the respondent.

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Complaint No. RA No. 1/2019 IN C.G. No. 32/06/2019

The respondent has submitted records for testing/accuracy checking of single phase meter (complainant's meter was also single phase) on sampling basis as per requirements of clause 32 of the Regulations and as per clause 39 of the Regulations the bill revision is permissible for the period not exceeding six months.


Hence the order of the Forum dated 27.06.2019 is modified as under:-

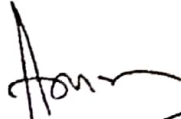
"Accordingly, the respondent is directed to revise the bill of the complainant for the period of six months preceding to the date of replacement of meter i.e. 29.11.2017. The respondent is also directed to revise the bill as per this order within three weeks of the date of this order. The complainant is directed to pay revised bill as per DERC Guidelines."


The complaint stands disposed of accordingly.

No order as to the cost. Both the parties should be informed accordingly.  
Proceedings closed.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P. SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)