



CA No. 100534844
Complaint No. 10/2021

In the matter of:

Mohd UsmanComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Nazrul Islam, Counsel for the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 12th March, 2021

Date of Order: 17th March, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the respondent raised illegal exorbitant bills from January 2020 to December 2020.

It is also his submission that complainant is using electricity through CA No. 100534844 for non-domestic purposes. He further submits that during Covid-19 lockdown there was no work and no electricity was used, but the respondent company issued him highly inflated/exorbitant bills.

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He also states that his meter is running very fast and giving three times more consumption, hence, checking of meter and correction is required. Therefore, he requested the Forum to direct the respondent company for rectification of his bill and waiver off LPSC.

Notices were issued to both the parties to appear before Forum on 05.02.2021.

On hearing dated 05.02.2021, the complainant submitted that he applied for meter checking on 15.12.2020, which was done by respondent on 19.12.2020 and the supply was disconnected. The complainant filed present complaint in the Forum in the month of January 2021 and also files application for stay on disconnection. Since the meter was disconnected in December 2020, and the complaint filed in the Forum is in the month of January 2021, thus the question of stay on disconnection does not arise. The complainant was directed to deposit Rs. 1,00,000/- (Rupees one lakh only) from total bill of Rs. 3,81,720/-. Respondent was also directed to release the connection to the complainant within a day after payment of Rs. 1,00,000/- by the complainant.

Respondent was also directed to submit all the details regarding why the meter was not checked between 15.12.2020 and 29.12.2020, whereas as per Regulations it should be done within 2-3 days. Respondent was further directed that old meter should be checked in front of the complainant and if, the complainant is not satisfied then third party meter testing should be done as per DERC Guidelines.

The respondent company submitted their reply that CA No. 100534844 in the name of Mohd Usman, with sanctioned load of 19 KW under non-domestic category, installed at Godown no. 1121, Gali Tent Wali, Motia Khan, Delhi-110055.

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Respondent further added that based on MDI captured in the year 2017-18; load for the connection was enhanced from 15 KW to 19 KW on 01.07.2018 and Rs. 18,000/- were debited on account of security deposit which are being shown in the bill along with meter cost under 'other charges'. It was also added that complainant is regular defaulter and has got his cheques dishonored many times.

The bill for the month of February 2021 generated for consumption of 4140 units of Rs. 3,81,270/- including arrears and LPSC. The other charges includes security deposit as mentioned+cheque dishonoured charges+cost of meter.

The matter was heard on 12.02.2021, when respondent submitted that they have issued a letter on 11.02.2021, regarding meter checking and payment of Rs. 1,00,000/- as per Forum's last order. The complainant failed to comply the previous order of Forum dated 05.02.2021. Respondent was directed that whenever the complainant would make the payment of Rs. 1,00,000/- the connection should be restored.

On hearing dated 26.02.2021, it was noticed that meter was not checked because complainant was unavailable. Respondent was directed to check the meter in the presence of complainant.

The matter was finally heard on 12.03.2021, when respondent filed third party meter testing report, M/s Oorja Technical Services Private Limited in their meter testing report submitted that "the meter was found within limits". Complainant wants to submit written arguments. Both the parties were directed to submit written arguments within three working days. Arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present case is whether the dues are recoverable from the complainant or not.

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We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that

The complainant raised the issue of faulty meter and submitted that the meter is running 3 times faster, therefore, he received arbitrarily high bills during the lockdown period even.

The respondent in their reply submitted that the complainant is a regular defaulter and previously many cheques have bounced.

The respondent was directed to check the meter of the complainant and same was done by third party lab. M/s Oorja Technical Services.

The lab testing report found "Meter Accuracy Found Within Limit."

In BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors., 2006, Delhi Law Times page no. 213, stated as under:

Electricity is public property. Law in its majesty benignly protects public property and behoves everyone to respect public property. No doubt dishonest consumers cannot be allowed to play truant with the public property but inadequacy of the law can hardly be a substitute for overzealousness.

As held by Hon'ble High Court of Delhi in Izhar Ahmad & Anr has stated "the intent of such a Regulation is to ensure that electricity companies do not have to 'run around' to recover their dues and any person who applies for re-connection makes payment of fraudulent abstraction charges before grant of new connection or reconnection of the said premises."

As held by Kerala High Court, in the matter of A.Ramachandran Vs. KSEB, AIR 2001, Kerala 51 and Seena B. Kumar Vs. Assistant Executive Engineer, AIR 2004, Kerala 68, in which it was held that under section 79 (j) of the Electricity Supply Act, 1948, the Kerala Electricity Board had framed Regulation 15 (d) which provided that all the dues to the Board from a consumer shall be charged on the asset of the consumer and hence can be

realized as arrears of land revenue.

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In view of above, we are of considered opinion that the main issue of the complainant is that the meter is running very fast. After the meter testing report from third party the meter accuracy was found within limit. We came to conclusion that the meter is found within limit and the bill raised by the respondent is correct and payable by the complainant. Forum also took it seriously that the complainant was directed to pay Rs. 1,00,000/- for reconnection of supply, which the complainant failed to do so.

The Forum directs as under:

- The forum directs the complainant to pay Rs. 1,00,000/- as per interim order of the Forum dated 05.02.2021 for reconnection of the electricity supply.
- The respondent is also directed to waive off entire LPSC from the bill of the complainant and provide revised bill to the complainant.
- Forum also directs the respondent to divide the revised bill into six equal monthly instalments (less Rs. 1,00,000/-) along with current dues prevailing at that time.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

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)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN

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