

CA No. 153245617
Complaint No. 185/2022

In the matter of:

Mohd MustafaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:




1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Mr. Balwant & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 21st February, 2023
Date of Order: 28th February, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. Present complaint has been filed by Mohd Mustafa against BYPL-DRG.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Mustafa, is using electricity through CA No. 153245617 installed at 2319, GF, Mandir Gali, Darya Ganj, Delhi-110006.

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He further submitted that respondent changed the old meter installed against his CA No with new meter and thereafter respondent raised him bill dated 29.06.2022 for the period 16.10.2021 to 20.04.2022 for 5721 units amounting to Rs. 49,018/-. It is also his submission that respondent passed speaking order for DAE bill thereafter quashed the same.

3. The OP in their reply briefly stated that the old meter installed at the premises of the complainant was replaced on 23.04.2022 and sent to lab for testing. The lab vide its report dated 12.05.2022 observed that meter was tempered and slow to an extent of -81.216%. After the change of meter premises was inspected and speaking order dated 13.06.2022 proceedings of dishonest abstraction of energy were quashed. However, it was observed that due to slowness of meter assessment to be done as per DERC Norms. Accordingly, in terms of DERC Regulations 32 (7) assessment was done.

Op further added that as per the speaking order dated 13.06.2022, assessment was done by revising bill w.e.f. 16.10.2021 to 20.04.2022 by charging differential unit on account of meter running slow by -81.216% i.e. for 5721 units amounting to Rs. 49018/-.

4. Arguments of both the parties were heard.
5. The counsel of the complainant argued that the meter was checked and tested in own lab of the respondent and as per DERC order dated 06.12.2021; the meter to be tested in NABL accredited meter testing laboratories. Representative of the complainant further submitted that at the time of inspection the official of the respondent taken connected load of 1.507 KW and the said proceedings had been quashed by the respondent.







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He further submitted that respondent has wrongly done assessment without following due process of law.

6. The LR of the OP submitted that the meter of the complainant was tested by M/s Oorja Technical Services Pvt. Ltd. this is an independent lab. Also, they have not raised the meter tempering bill have only raised the bill for slow meter which is as per DERC Regulations.
7. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
8. The main issue in the present complaint is whether the bill raised by OP for slow meter is correct and payable by the complainant?
9. 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:-

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

(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.

10. In the present case, OP has billed complainant for faulty meter and as per DERC Regulations, 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.







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The meter testing report By M/s Oorja Technical Services Pvt. Ltd. submitted before the Forum concluded that the meter was found tampered, meter received without box and terminal cover, meter ultrasonic welding found tampered, meter top cover found refixed and hologram seal found duplicate. Since, M/s Oorja Technical Services Pvt. Ltd. is an independent lab therefore, the report concluded should be considered.

Here the lab clearly concluded that meter was found tampered. It nowhere concluded meter as faulty. Therefore, OP should raise the bill of the complainant on tampering basis. They should withdraw the bill raised by them on slowness of meter.

ORDER

The complaint is allowed. The OP is directed to raise the bill to the complainant under relevant sections of DERC Regulations 2017 based upon the report of M/s Oorja Technical Services Pvt. Ltd. The bill raised by OP for slow meter should be withdrawn.

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

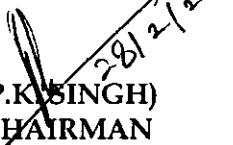
Case is disposed off as above.

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

File be consigned to Record Room. -


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN