

CA No. 101601093
Complaint No. 108/2022

In the matter of:

RoshiniComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat.Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Katha Mathur, On behalf of BYPL

ORDER

Date of Hearing: 16th August, 2022
Date of Order: 22nd August, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the respondent had raised illegal and arbitrarily high amount bill.

The complainant's grievance is that she was using electricity supply through CA No. 101601093 installed at property no. 81, Kh. No. 448, Near Railway Market, Village Saboli, Delhi-110093. It is also her submission that respondent

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removed the meter due to MCD objection in the month of June 2018 and at the time of removal the pending dues were of Rs. 29,190/-. Thereafter respondent prepared final bill in the month of November 2018 amounting to Rs. 1,37,470/- which is illegal and unlawful. She also submitted that meter was found burnt and dead and data could not be downloaded. Therefore, she requested the Forum to direct the respondent for revision of bill.

Notices were issued to both the parties to appear before the Forum on 07.07.2022.

The respondent in their reply submitted that the complainant raised the issue of billing and has sought revision of final bill for the period 20.08.2018 to 01.11.2018. Respondent further added that C A no. 101601093 for non-domestic purposes with sanctioned load of 13 KW. The said meter was removed on 02.11.2018 on account of DPCC drive and the last downloaded reading was recorded on 01.08.2018 as R-6063. The meter was tested in lab on 14.11.2019 and on testing the meter was found to be burnt and dead and as such no reading could be downloaded. As no reading was downloaded the estimated reading R-18867 (KWH) and R-19581 (KVAH) was punched in the system on 01.11.2018 accordingly bill of Rs. 1,09,692.03 raised from 01.08.2018 to 01.11.2018 for 9953 KVAH units, as on date Rs. 1,37,721 is outstanding bill which also includes LPSC.

Respondent further submitted that estimate bill was reassessed by making assessment from 01.08.2018 to 01.11.2018 accordingly base period for the last three months i.e. from 08.05.2018 to 01.08.2018 as per rules. It was also mentioned that as per downloaded reading there was consumption of 6063

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units in August, 1416 units in July, 2149 units in June and 4187 units in May 2018. There is change in meter in May 2018, February 2018, September 2017, April 2017 and December 2015. The MDI recorded is 60, 30 and 55 in August, July and March 2018 respectively.

The matter was listed for hearing on 07.07.2022, when respondent filed their reply and submitted that this is a case of billing dispute in which respondent is directed to file meter changing report of all the meters changed, consumption pattern along with comparison with previous year's consumption and PD form.

As per the statement filed by respondent the MDI of the connection was very high. Why respondent has not taken any action for high consumption and meter change at regular intervals and what steps they have taken for the last four years for recovery of dues.

The matter was again heard on 14.07.2022, when respondent failed to file the documents as per directions of the forum. Respondent was again directed to file the PD form.

On hearing dated 29.07.2022, respondent submitted that they have revised the bill of the complainant by taking base period of three years. Respondent was directed to file calculations by taking base period of one year which is as per DERC Regulations and file the assessment.

The matter was finally heard on 16.08.2022, when respondent submitted revised bill and copy of same was provided to the counsel of the complainant. Arguments were heard and matter was reserved for orders.

Back

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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 are of considered opinion that main grievance of the complainant was revision of bill for the period when no reading was recorded and his unit was closed following DPCC orders. Respondent recorded the last reading on 01.08.2018 and meter of the complainant was removed following DPCC orders on 01.11.2018. No reading was recorded as the meter was burnt and the respondent revised the bill of the complainant by taking bases period of last three months i.e. from 08.05.2018 to 01.08.2018.


Forum vide their interim order dated 29.07.2022, directed the respondent to take the base period of one year as per DERC Regulations 2017 instead of three months. Respondent revised the bill of the complainant as per Forum's directions and the net payable amount comes to Rs. 64829/-. Counsel of the complainant agreed to this revision and requested for instalments.


In view of above, we direct the respondent to

- The complainant is liable to pay the revised bill amount of energy dues amounting to Rs. 64,829/- as submitted by the respondent before the forum.
- If the complainant wants instalments as per Section 49 of DERC Supply code 2017, respondent is directed to allow four equal instalments to the complainant.
- Respondent is also directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)