

CA No. 100561711
Complaint No. 87/2022

In the matter of:

Sadhu SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Jasneen Kaur, A.R. of the complainant
2. Mr. Imran Siddiqi, Mr. Jagatheesh Kannan, Ms. Shweta Bist & Ms. Katha Mathur, On behalf of BYPL

ORDER

Date of Hearing: 29th July, 2022
Date of Order: 10th August, 2022

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

Briefly stated facts of the case are that the meter installed at the premises of the complainant jumped in the month of March 2019, and respondent issued arbitrarily high amount bill.

The complainant's grievance is that he is living at premises no. D-7/132, GF, Tibbia College, Karol Bagh, Delhi-110005 and paying your bills regularly against CA No. 100561711 as and when raised by the respondent. Suddenly,

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the meter jumped in the month of March 2019 resulting into high bill value. Therefore, he requested the Forum to direct the respondent for immediate revise the bill of the complainant from March 2019 onwards till date.

Notices were issued to both the parties to appear before the Forum on 19.05.2022.

The respondent in their reply submitted that the complainant raised billing dispute in respect of electricity connection bearing CA No. 100561711 registered in his name. As per complainant meter has jumped from March 2019 for which he choose to file complaint in March 2022 that is three years later. Respondent further submitted that the bill for the month of March 2019 against which complainant raised complaint is for Rs. 370/- only. It is also their submission that the complainant filed present complainant to avoid the payment of his electricity bill as the May 2022 bill is amounting to Rs. 20,500/- which includes the bill of March 2019.

The matter was listed for hearing on 19.05.2022, when both the parties were present. Respondent was directed to provide the reading chart and consumption pattern since 2019 including MDI. Complainant raised some new issues regarding meter burning, but no prayer regarding same is in the complaint. Forum is of the opinion that without prayer Forum cannot handle this complaint. But Forum orally passed instructions to the respondent to handle this matter properly.

Counsel of the complainant additional complaint for change of burnt meter against CA No. 100561711. In his complaint he submitted that complainant's meter got burnt on 18.04.2022 at night 3.00 AM and complaint was registered vide complaint no. 22041800474 in BYPL office.

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The matter was again heard on 09.06.2022, when counsel of the complainant filed meter burnt application dated 18.04.2022. Respondent visited the site of the complainant on 07.06.2022 and found tenant is living and connected load found 2.5 KW. Respondent was directed to file an affidavit in respect of their site visit report and also file an affidavit that meter is installed on pole only for one premise and also file downloaded reading chart. Respondent was also directed to visit the premises and change the meter and display as per law. Complainant was also directed to pay current dues as and when raised by the respondent.

On hearing dated 05.07.2022, respondent filed an affidavit that as per the directions of the Forum display of the meter was not changed due to reluctance of the complainant. Complainant challenged the energy due bills. Complainant wants to show some photographs in mobile which is not permitted following Covid-19 Guidelines and directed to produce print outs. Respondent was also directed to change the burnt display which is still not changed as per ~~DERG~~ Guidelines. *due to technical reasons*

On hearing dated 14.07.2022, respondent visited the site but complainant refused to install the IGMS meter and she wants to install electronic meter. Respondent submitted that they are not supposed to install electronic meter in the area where complainant resides, but complainant submitted photograph of electronic meter installed in her neighbor.

Respondent submitted their additional submissions in which they reiterated their original complaint and submitted that during proceedings it was found that display of IGMS meter installed at house of the complainant got burnt and as per Forum's direction the officials of the respondent visited the premises of the complainant for change of display and IGMS meter. Respondent further

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added that IGMS or to say smart meters are result of advanced technology with has numerous advantages like loss reduction in areas of rampant meter tampering and high energy pilferage through service cables, space constraint of consumers in congested areas like JJ clusters and Villages, safety/security of consumers in congested areas like JJ clusters and villages.

Respondent also submitted that IGMS meters leads to billing efficiency which is needed not only as Discoms are penalized in case of provisional billing is raised for than twice in a year but also reduces hassles for consumers from paying high provisional bills and subsequent visits to BYPL offices for bill correction. Respondent also made reference in this regard in Hon'ble Supreme Court judgment titled as Suresh Jindal Vs. BSES (2009 AIR (SC) 280).

The matter was finally heard on 29.07.2022, when respondent submitted additional reply and copy of same was supplied to the complainant. Arguments of both the parties were heard and matter was reserved for orders.

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 lodged complaint in the Forum on 21.03.2022 regarding meter jumped from March 2019 to till date i.e. till 21.03.2022 and revision of bill accordingly.
- Respondent in their reply submitted that the bill for the month of March 2019 against which the complainant raised complaint is for Rs. 370/- only.
- The complainant on 08.06.2022 filed additional complaint that his meter was burnt on 18.04.2022 and prayed for change of burnt meter. The Forum vide its interim order dated 09.06.2022 directed the respondent for changing the meter and its display.

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- The complainant showed reluctance and did not allow respondent's official to change the meter, as she did not want IGMS meter to be installed at her premise. She submitted that she wants electronic meter which was earlier installed at the premises prior to August 2018.
- That the said IGMS meter is installed in the premises of complainant since 2018 and complainant never raised this issue regarding functionality of IGMS in the span of 4 years.
- Respondent added that as per Regulation 37 of DERC Supply Code 2017, "Adoption of new technologies for metering" they are installing new technology meters.
- The current outstanding bill of the complainant for the month of July 2022 is of Rs. 28,600/- which includes LPSC of Rs. 4740.64/- and Rs. 1431/- as cost of meter changing.

In view of above, we are of considered opinion that the main complaint of the complainant was rectification of electricity bill. Later on, the meter display of the meter installed at his residence got burnt and Forum directed to change the meter which the complainant refused to change. As per DERC Supply Code 2017, Regulation 37 which is narrated here below:-

37. Adoption of new technologies for metering:-

(1) The Licensee shall prepare a plan for adoption of new technologies in metering such as pre-payment meters, time of the day meters (ToD), smart meters and automatic remote meter reading system through appropriate communication system, etc. and implement the same with the approval of the Commission.

(2) Such meters shall conform to the technical requirements as notified by the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time:

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Provided that, the Licensee may, after obtaining approval from the Commission, include in the service connection agreement, the necessary special conditions to suit the special metering system:

Provided further that when pre-payment meters are used to supply power, security for electricity charge shall not be collected and that the consumers shall be eligible for a rebate as approved by the Commission for making the pre-payment.

As per DERC guidelines respondent is installing smart meters and is in process of changing other meters installed in the neighborhood area with IGMS meters. Smart meters help in stopping theft of electricity.

The bill raised by the respondent which the complainant is disputing shows no irregularities as all the readings are downloaded and bill is raised as per downloaded readings which is correct and payable by the complainant.

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 decided by Hon'ble High Court and Supreme Court in many cases that the electricity charges cannot be waived off as decided by High Court of Delhi on 02nd March 2009 in the matter of Izhar Ahmed Vs. BSES Rajdhani Power Limited which is narrated below:-

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"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 all dues including surcharges and payment of fraudulent abstraction charges before grant of new connection or reconnection of said premises."

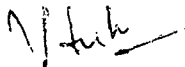
Therefore, we direct as under:

- The respondent is directed to replace the burnt display of IGMS meter installed at the premises of the complainant.
- The complainant is liable to pay the actual energy charges which they have consumed.
- The respondent is further directed to waive off entire LPSC amount from the bill of the complainant and also waive off meter cost from the bill.
- Also, as per Section 49 of DERC Supply code 2017, if the complainant wants instalments, respondent is directed to allow four equal monthly instalments to the complainant.
- Respondent should 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)
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