

C A No. Applied for  
Complaint No. 248/2023

In the matter of:

Sagheer Ahmed .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Aakash Ruhela, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Sachin Dubey & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER


Date of Hearing: 21<sup>st</sup> September, 2023

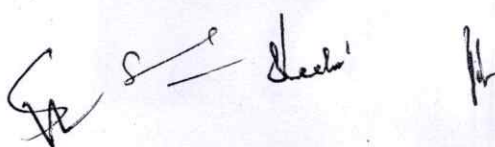
Date of Order: 25<sup>th</sup> September, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Mr. Sagheer Ahmed, against BYPL alleging revision of his electricity bill against CA no. 100470796 installed at premises no. 3968, 4<sup>th</sup> floor, Galhi Khan Khana, Jama Masjid, Delhi-110006. As per complaint OP changed old meter with new meter on 19.09.2022, started making inspection and taking connected load. He was served with intimation for meter testing, on

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26.09.2022 but due to illness he could not join the same and meter has been checked on 12.10.2022. After change of meter OP issued regular bills. In the month of December a bill of R.s 1,17,830/- was received from OP issued on 16.11.2022. As per complaint this bill is illegal and unlawful. Against this bill complainant visited OP who did not entertain his grievance. An e-mail to this effect was also sent to OP, thereby requiring withdrawing this alleged demand, but OP did not reply satisfactorily.

2. On notice, OP by filing its reply submitted that complainant is seeking withdrawal of bill for the month of December amounting to Rs. 1,17,830/- against CA No. 100470796 and restoration of electricity connection registered in the name of complainant in respect of H.No. 3968, Fourth Floor, Gali Khan Khana, Jama Masjid, Delhi-110006.

OP further added that on 18.09.2022, the subject property was inspected by the enforcement team when the meter no. 11796891 installed against CA No. 100470796 was replaced with meter no. 55420159. The old meter was sent to third party lab for testing and upon testing vide lab report no. YMPL/EM/TAR/BYPL/02792 dated 13.10.2022 meter was found to be 81.82% slow with remarks "meter found tampered."

The consumer was charged for six months prior of replacement of meter i.e. for the period of 01.03.2022 to 18.09.2022 for 2339 units whereas he should have been charged for 12866 units. Accordingly, left over 10527 units were charged by raising bill for Rs. 107539.53/- which is duly payable.

OP also added that in a similar matter tilted as Mohd Mustafa vs BSES-YPL bearing CG No. 185/2022 learned Forum has passed the order whereby billing done in terms of Regulation 32(7) was quashed

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and OP was asked to raise bill of DAE as meter was found tampered. Against the said order OP had filed an appeal in the form of writ bearing WP(C) no. 4454/2023 before Hon'ble High Court of Delhi wherein the Hon'ble High Court vide its order dated 12.04.2023 stayed the order passed by Learned Forum. As per OP passing any order in terms of the order, under appeal aforesaid, will amount to overreaching of order passed by Hon'ble High Court. OP states that in view of order of Hon'ble High Court the present complaint is required to be dismissed.

3. Counsel of the complainant submitted his rejoinder refuting therein the contentions of the respondent as averred in its reply and reiterated his original complaint and stated that as his consumption remains the same, even after meter change, as shown in old meter itself, he is not liable to pay the bill of slowness of meter as raised by OP. In support of his contentions complainant has filed copies of enforcement inspection report, form for assessment of connected load and circuit diagram and detailed observations all dated 19.09.2022, notice dated 26.09.2022 of OP requiring complainant's attendance for meter testing on 12.10.2022, along with bills issued by OP on 27.08.2021, 30.07.2021, 30.04.2022, 31.05.2022, 29.07.2022 and 29.11.2022 and copy of complainant's e-mail dated 18.09.2022 and reply thereof by OP dated 23.12.2022.
4. In support of their contentions OP submitted complete Enforcement Inspection Report dated 19.09.2022 consisting of enforcement inspection report, form for assessment of connected load, circuit diagram and detailed observations, seizure memo all dated



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19.09.2022, notice dated 26.09.2022, lab report dated 14.10.2022 along with photographs of concerned meter. Besides, OP has also placed on record copy of calculation sheet, reading chart, speaking order and order passed by Hon'ble High Court of Delhi.

5. Heard the parties and perused the record.
6. The main issue in the present complaint is as to veracity of the contention of OP that the meter replaced was tempered by the complainant as to slowdown the reading of consumption. If so, as to whether complainant is liable for payment of difference, of units calculated as consumed in last six months prior to replacement, taking into consideration percentage of slowness, and the units consumed as shown in replaced meter of that period.
7. So far as the replacement of meter is considered, complainant has no dispute. Against testing also complainant raised no issue. Even notice, to witness the testing by complainant, is admitted by complainant. It is also admitted that he could not reach the lab at the time of testing giving reason of illness. Authenticity of the lab is not questioned by the complainant. Even lab report is not specifically denied by the complainant. Only objection raised by the complainant is that the bill of Rs. 1,17,830/- is illegal and unlawful. The ground in support of his contention raised by complainant is that the consumption shown, in the replaced and the old meter; are similar and not differ. Therefore, the bill under dispute is wrong. Going through the bills issued, as placed by complainant, the units consumed as per the bill are within the range of Rs. 660/- to Rs. 2930/to which OP too has no dispute, (except the bill under dispute)



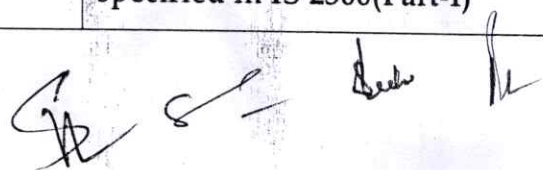
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OP admits issuing other bills but claims that as per lab testing report the meter is found 81.82% slower therefore, as per Regulation 32 (7) of ERC (Supply Code and Performance Standards) Regulations 2017 it is entitled to charge the difference units of consumption considering the percentage of slowness of the meter. Complainant neither questioned the testing report nor the authenticity of the testing lab, but just states that the subjected bill is illegal and unlawful without explaining on what basis the same is unlawful or illegal. Neither complainant has argued that the procedure provided under Regulation 32 (7) aforesaid for assessment of the bill is not properly followed. Regulation 32 and 64 of DERC (Supply code and Performance Standards) Regulations 2017 deals with the meter and assessment of bills.

Sub-Regulation (1) of Regulation 32 provides to periodical testing of meters by the licensee. Sub-Regulation (3) whereof says "The Licensee shall, at no cost to the consumer, conduct periodical inspection or testing or both and calibration of the meters, as notified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time, at site, and as per the following schedule:

Railways DMRC	At-least once in every six months
HT or EHT meters	At-least once in every year
LT 3-phase meters	At-least once in every five years
single phase meters	At-least once in every five years as per IS 15707: 2006- Testing, Evaluation, Installation and Maintenance of ac electricity meters-code of practice based on sampling plan as specified in IS 2500(Part-I)

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Further Sub-Regulation (8) thereof under the head suspected tampered meter in its clause (1) provide that in the event of suspicion of theft of electricity or unauthorized use of electricity through a meter

32. Testing of meter:- (8) Testing of suspected tampered meter:-

(i) If the Licensee suspects a case of unauthorised use of electricity and theft of electricity through a tampered meter, the meter shall be tested in an accredited laboratory notified by the Commission for that purpose: Provided further that in the absence of an accredited laboratory notified by the Commission, the meter shall be tested in any accredited laboratory other than that of the Licensee.

(ii) The Licensee shall remove the meter from site/consumer's premises and seal it in the presence of the consumer or his representative in a container affixing thereon paper seals which shall be signed by both the parties. In case the consumer refuses to sign the paper seal, the same shall be photographed and videographed.

(iii) The Licensee shall schedule a date and time for the testing of meters with the accredited laboratory notified by the Commission and shall give at-least 3 (three) days prior notice to the consumer, intimating the date and time of testing so that the consumer or his authorized representative, if so desires, can be present during such testing.

Sub-Regulation 7 says In case, during testing, the meter is found to be inaccurate, revision of bill on the basis of percentage error from the limits of accuracy, at applicable tariff rates, shall be done for a maximum period of 6 (six) months or 50% of the period from the date of installation of the meter prior to date of testing or 50% of the period from date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the subsequent bill(s).



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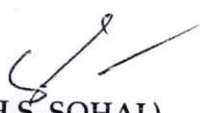
8. From the pleadings of complainant himself we observe that he nowhere challenged the replacement of the meter, not pleaded that the old meter was not sealed as per above Regulations concerned, not denied getting notice of testing of the meter in the lab, not pleaded that the testing Lab was not an accredited lab duly approved by DERC. Admitted that he himself could not reach to witness the testing of meter on notified date. Going through the enforcement inspection report dated 19.09.2022. It specifically provides that at the time of inspection meter terminal upper plate (block) open and re-fixed. Complainant nowhere in his pleadings specifically denied this report. Similarly attached, assessment of connected load, with enforcement inspection report is not denied. Even observation, with report that meter terminal and box seal found tampered and meter terminal block upper side open and re-fixed, is not challenged by complainant specifically in his pleading.
9. On the basis of aforesaid consideration we are of the view that complainant has failed to show any illegality and unlawfulness in the disputed bill of December 2022. While OP has very successfully been able to prove that it has validity issued the disputed bill in compliance of the provisions of Regulations aforesaid.


ORDER


Accordingly, the complaint is not maintainable and is hereby dismissed.

The case is disposed off as above.

No order as to cost/Compensation.


  
(H.S. SOHAL)  
MEMBER

  
(NISHAT A. ALVI)  
MEMBER (CRM)

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

  
(P.K. SINGH)  
CHAIRMAN

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