



C A No. 101095800  
Complaint No. 96/2021

In the matter of:

Satish Kumar .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

1. Mr. Satish Kumar, Complainant
2. Mr. Imran Siddiqi, Mr. Jagatheesh Kannan & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 22<sup>nd</sup> September, 2021

Date of Order: 27<sup>th</sup> September, 2021

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

Briefly stated facts of the case are that respondent has not reduced the load enhanced.

It is also his submission that as per Regulation 17 (4) of DERC Regulations 2017, sanctioned load is to be revised as per the highest of average of maximum demand readings recorded as per billing cycle covering any four consecutive calendar months in the preceding financial year, rounded off to the lower integer.

*Harshali Kaur*

*Vinay Singh*

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*Imran Siddiqi*

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Complainant further submits that sanctioned load shown by BYPL in all his bills of FY 2019-20, 2020-21 and 2021-22 is 4 KW and the monthly fixed charges have also been levied on 4KW. The MDI of complainant's meter during the Period November 2020 till February 2021 was 1.94, 2.42, 2.36 & 2.40 KW and as per DERC Regulation BYPL should have revised and reduced the load from 4 WK to 2 KW in the FY 2021-22 which was not done by BYPL resulting into overbilling of approx Rs. 105/- p.m. He therefore, requested the Forum to direct the respondent for reduction of load under Regulation 17 (4) of DERC and also asked for compensation as per Schedule-I of the said Regulations from 1<sup>st</sup> July 2021.

Notices were issued to both the parties to appear before Forum on 22.09.2021.

The respondent company submitted their reply stating therein that complainant has complained that his sanctioned load has not been reduced in respect of electricity connection bearing CA No. 101095800 as per annual load revision since 2020. The said connection having CA No. 101095800 is domestic connection and was energized on 15.02.1990 for a load of 4 KW in the name of Satish Kumar at property bearing no. C-6, CGHS, Fine Home Apartment, Mayur Vihar, Phase-I, Delhi-91. As per complainant's complaint BYPL has not carried out annual review for 2021-22 as mandate under Regulation 17 (4) of DERC Regulations 2017, to reduce the sanctioned load.

Respondent further submitted that BYPL has intimated to complainant annual review is one time exercise which is being conducted in the month of May for each financial year. During the month of May 2020 annual load revision is suspended by Hon'ble Commission vide its order dated 07.04.2020. The validity of this order i.e. from 24.03.2020 to 20.06.2020 have lapsed the one time annual exercise of load revision to be conducted in the month of May 2020 and also it is directed to wait for further orders from Hon'ble Commission.

*Shashi*

*[Signature]*

*[Signature]*

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It is also their submission that on surface of CGRF complaint load reduction order has been generated by BYPL on 05.08.2021 but the complainant failed to submit necessary documents on scheduled appointment dated 25.08.2021.

The matter was listed for hearing on 22.09.2021, when complainant wants to file his rejoinder. Respondent was asked to file any DERC clarification, if any within two days. Arguments of both the parties were heard and matter was reserved for orders.

The complainant has also filed written submissions on 22.09.2021 regarding load reduction as previously submitted by the complainant. Respondent has also filed certain documents regarding the consumption pattern of the complainant for the year 18-19, 19-20 and 20-21. As per the record the complainant's highest MDI for the year 18-19 is 4.44, 4.66, 4.44 and 4.22 for the month of June, July, August and September 2018 respectively.

The highest MDI of the complainant recorded for the period of 2019-20 is 3.34, 3.32, 3.24, 3.22 and 3.14 for the months of June, July, August, September and October 2019 respectively.

The highest MDI of the complainant recorded in the period of 2020-21 is 2.34, 2.30, 2.42, 2.4 and 2.38 in the months of June, July, August, December 2020 and February and March 2021 respectively.

**As per DERC Guidelines Section 17 (4) Review of sanctioned load/contract demand by the Licensee:-**

(i) For revision of sanctioned load or contract demand as the case may be, the Licensee shall take the highest of average of Maximum

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Demand reading srecorded as per billing cycle covering any four consecutive calendar months in the preceding financial year i.e. from 1 st April to 31st March, rounded off to the lower integer as described in the illustration:

(iii) In case of domestic category consumers, if the computed load pursuant to sub-clause (i) above is less than the sanctioned load or contract demand as the case may be of the consumer, the Licensee shall seek the consent of the consumer for load reduction through a separate notice to the consumer, giving details and information that his maximum demand is less than the sanctioned load or contract demand: Provided that for domestic category consumers, having the sanctioned load upto 5kW in the last billing cycle of preceding financial year, if no communication is received from them within expiry of 30 (thirty) days from the date of the receipt of notice, the load shall be reduced automatically; and for domestic consumers having sanctioned load more than 5kW in the last billing cycle of preceding financial year, the load shall be reduced only on receipt of consent from the consumer.

(iv) A separate notice for upward or downward revision of sanctioned load or contract demand as the case may be, shall be issued by 31st May of the financial year. No notice for upward revision shall be issued thereafter during the year.

The complainant has not applied for the reduction of the load in the year 2019, 2020 and 2021. But he waited only for automatically review of sanctioned load by the respondent/licensee. Respondent has submitted that on 24<sup>th</sup> March 2020 lockdown was imposed by the Government of India, and in lieu of that DERC has issued Suo-Moto order dated 07.04.2020, Mitigation of Impact of Covid-19 on Electricity Distribution Licensees and Consumers of Delhi, in which all the activities of the respondent were suspended till 30<sup>th</sup> June 2020.

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As per the Regulation, respondent will revise the automation reduction of load on domestic category upto 5 KW which was not done by the respondent due to suspension of activity by DERC Suo-Moto order dated 07.04.2020. After the situation of the country started normalizing, respondent failed to process the review of sanctioned load automatically and again in the month of April 2021, due to second wave of Covid-19, the lockdown was again imposed on 19<sup>th</sup> of April 2021 and DERC suspended the DERC Guidelines till June 2021.

In the present case, respondent has failed to do the automation of the review of sanctioned load due to adverse circumstances in the country and some confusion as they submitted before the Forum regarding these two orders of DERC.

The MDI statement for both the years 2019-2020 and 2020-2021 contain all the MDI readings for all 12 months of the year and load review are feasible which confirm reduced load of 3 KW and 2 KW respectively.

In respect DERC order for deferment of review process for the period of March to June 2020 only to wait for normalcy only and same in the year 2020-21 also.

Respondent should have reviewed load automatically after reasonable time after lifting of total lockdown.

Now it should be done by the respondent and any excess amount collected should be adjusted in subsequent months.

The respondent is not liable to be penalize due to the Covid-19 situation and total lockdown and deferment of the DERC orders of Suo-Moto dated 07.04.2020 and suspension of DERC Code of 2021 and the situation of the country was not normal.

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We are of considered opinion that after going through all the aspects of the case and the consumption pattern of the complainant, it is quite clear that complainant is entitled for load reduction for the year 2019-20 and 2020-21 because all the readings as demanded by the Forum filed by the respondent and the extra amount collected by the respondent should be adjusted in the subsequent bills.

The complainant is not entitled for any compensation because he has not applied for the load reduction and regarding the automatically review of load should not be done due to Covid-19 and the order as above referred by Delhi Electricity Regulatory Commission in respect of total lockdown.

**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.**

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LAW)

  
(ARUN P SINGH)  
CHAIRMAN