

C A No. 100064005
Complaint No. 107/2022

In the matter of:

Virender MongaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmed 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: 23rd August, 2022

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

Briefly stated facts of the case are that the respondent issued arbitrarily high amount bill.

The complainant's grievance is that he is residing at Kh. No. 11/10/2, Pole no. 2369-2370, New Mandoli Industrial Area, Delhi-110093. It is also his submissions that he is using electricity vide CA No. 100064005. Respondent changed the meter against the said connection on 01.07.2014 and prepared him a bill of meter tempering on 20.01.2015 and said bill was settled in special court and respondent issued him no dues thereafter.

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Complainant further added that respondent disconnected the supply of the complainant due to non-payment of DAE bill of CA No. 400576297 and final reading of 28636 dated 27.01.2015 and raised bill amount of Rs. 38910/- and complainant duly paid the said amount. After making payment of the said bill respondent raised him another bill of fixed charges from March 2015 to June 2017 amounting to Rs. 1,85,550/- thereafter prepared a final bill for period 03.6.2017 till 15.06.2017 amounting to Rs. 1,16,144/-. The said bill is illegal and unlawful. Respondent has also not refunded security amount of Rs. 70,000/- approx. Therefore, he requested the Forum to direct the respondent to withdraw the illegal demand of Rs. 1,16,144/- and refund of security amount.

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

Respondent submitted their reply stating therein that complainant has sought withdrawal of bill raised on account of fixed charges for the period March 2015 to June 2017. Respondent further added that on 01.07.2014, premise of the complainant was inspected and a case of meter tempering was suspected. Then old meter was removed and sent to lab and new meter was installed. Thereafter on 05.01.2015, meter tampering bill was raised for an amount of Rs. 4,01,640/- and the said bill was settled by way of special court settlement for Rs. 3,80,000/- and finally last instalment in respect was made on 19.08.2019 and No Dues Certificate was issued.

Respondent further added that complainant was not making payment of the new meter installed against CA No. 100064005 and same was also removed on 27.01.2018, thereafter, provisional demand has been made from 28.01.2015. Accordingly, the provisional demand was withdrawn for the period 28.01.2015

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to 15.06.2017 and only fixed charges are charged from 28.01.2015 till 27.07.2015 (i.e. six months from the date of removal of meter). As such as on date after giving credit as required the amount lying into credit of complainant is Rs. 49045.68/-.

The matter was listed for hearing on 07.07.2022, when respondent was directed to file statement of account and documents pertaining to disconnection of electricity connection.

On hearing dated 14.07.2022, respondent filed statement of account but no details regarding permanent disconnection was filed. Respondent was directed to file PD form and if same is not available they should file affidavit of the concerned official. The matter was again heard on 29.07.2022.

The matter was finally heard on 16.08.2022, when 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 respondent has revised the bill of the complainant and also filed the calculations which shows a credit of Rs. 49045.68/-. The complainant raised objection for withdrawal of fixed charges after removal of meter from site i.e. for the period 28.02.2015 till 27.07.2015. Respondent submitted that they have revised the bill of the complainant as per DERC Guidelines 2017.

In view of above, we are of considered opinion that respondent has revised the bill as per DERC Guidelines 2017; therefore the bill revised by respondent is correct.

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- Therefore, we direct the respondent that the refund of Rs. 49045.68/- which is payable to complainant should be paid to him within 21 days from the date of this order.
- Respondent is also directed to not to recover any fixed charges after the date of removal of meter.
- Respondent is further directed to refund security amount paid by the complainant at the time of release of the new connection.
- 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 AHMED ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)