



Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECY/CHN 015/08NKS

C A No. 150410658
Complaint No. 68/2021

In the matter of:

Tek ChandComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Najakat Chaudhary, A.R. of the Complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 10th September, 2021

Date of Order: 15th September, 2021

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

Briefly stated facts of the case are that respondent raised provisional bills to complainant thereafter no bills were issued to him.

It is also his submission that respondent was giving bills for the reading from 03.07.2020 to 04.09.2020 on provisional basis and the complainant was not receiving bills thereafter in September 2020 till December 2020. Therefore, the complainant requested for bills based on actual readings and revision of fix charges as per rules.

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Complaint No. 68/2021

Notices were issued to both the parties to appear before Forum on 06.08.2021.

The respondent company submitted their reply stating therein that complainant Tek Chand is registered consumer having a non-domestic connection bearing CA No. 150410658 with sanctioned load of 29 KW and meter installed at Kh.No. 134, Village Tukmirpur Gali No. 3, Karawal Nagar, Delhi-110094. It was also their submission that provisional bills for the month of August 202 and September 2020 were sent to complainant amounting to Rs. 68245.41 and Rs. 45543.67 respectively for 5531 units in the month of August 2020 and 3471 units in the month of September 2020. Respondent further added that bills of subjected CA No. 150410658 could not be downloaded due to technical issue in September and October 2020. After resolving the problem it was downloaded in month of November 2020 but due to technical error in software the bill was not generated in November 2020.

Respondent also submitted that downloaded reading took place on 03.12.2020 and bill for the month of December 2020 generated on the basis of reading in which provisional bills amount Rs. 95856.87 stands adjusted. Payment status of the complainant is as below:

Rs. 1,20,000/- paid on 01.09.2020 (cheque bounce)

Rs. 1,19,000/- paid on 08.09.2020

Rs. 1,01,000/- paid on 20.11.2020

Rs. 80,000/- paid on 22.01.2021 (cheque bounce)

Rs. 1,00,000/- paid on 27.03.2021

The matter was listed for hearing on 06.08.2021, when none was present on behalf of the complainant. Respondent is directed to file four months accounts statement in detail along with MRI, if any.

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The matter was heard on 23.08.2021, when again none was present on behalf of the complainant. Respondent submitted their reply and statement of account. As per the provisions of DERC Guidelines, respondent can raise two provisional bills. But now in the present case respondent has raised a reading bill after five months. There is a lapse on the part of the respondent.

Again on hearing dated 06.08.2021, complainant was not present. Respondent filed reply and bills. Forum inquired that on what basis respondent raised the bill whether it is on the basis of MDI and whether LPSC has been waived off or not. Respondent was directed to file four months accounts statement in detail along with MRI, if any.

On hearing dated 03.09.2021, when both the parties were directed to resolve the issue amicably and Commercial Officer of the division should try to resolve the issue of the complainant.

The matter was finally heard on 10.09.2021, when as per last directions of the both the parties failed to resolve the case amicably. Respondent was directed to waive off LPSC of the complainant.

We also find in few judgments of Hon'ble Supreme Court of India, in the matter Sisodia Marbles and Granites Pvt, Ltd., Vs. Ajmer Vidyut Vitran Nigam Limited, where it has been held that consumer is liable to pay actual consumption of units.

Hon'ble Supreme Court in another matter of Isha Marbles has been corrected in the reform at empowering the distribution licensee in the NCT of Delhi to recover arrears of the Electricity charges from the owner/new occupant.

Writ Petition (c) no. 3532/2003, Madhu Garg vs. North Delhi Power Limited, by directing her to pay the dues for the electricity.

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We are of considered opinion that bill raised by the respondent is correct, genuine and reasonable and energy consumed by complainant is liable to pay. The cheque issued by complaint was bounced which is deficiency on the part of the complainant and there is also deficiency on the part of respondent as bills were not raised in time but, still the complainant is liable to pay energy charges.


We direct the respondent

1. The respondent is directed to waive off entire LPSC and provide the complainant revised bill without LPSC within two weeks from the date of this order.
2. The complainant is directed to pay the energy charges consumed by him as per the revised bill within 15 days from the receipt of the revised bill.

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