



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

CA No. 100043376
Complaint No. 12/2020

In the matter of:

Vijay SethiComplainant

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. Adv. Lakshay Yadav, Counsel for the complainant
2. Mr. B.B. Sharma, Mr. Balwant Singh & Mr. Jagatheesh Kannan ,
On behalf of BYPL

ORDER

Date of Hearing: 04th August, 2020

Date of Order: 06th August, 2020

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

Briefly stated facts of the case are that the respondent over charged him under wrong tariff category. He is having an industrial connection and respondent charged him on non-domestic category.

It is also his submission that he is proprietor of M/s Sethi Industrial Corporation, having registered office at 2908, Hamilton Road, Kashmiri Gate, GF, Civil Lines Zone, Delhi-110006. Respondent is providing power supply

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vide CA No. 1000043376 through LT three phase connection of 30 HP to the complainant and an electricity meter of 3PSK is installed at the premises. His bills were assessed on the basis of industrial tariff till September 2018; thereafter the respondent started sending him bills on non-domestic tariff.

He further added that as per BYPL tariff schedule for the financial year 2018-19, the non-domestic tariff category was required to pay at the rate of Rs. 8/- per unit. However, the Industrial tariff category is required to pay at Rs. 7.25/- per unit. As per the tariff schedule for the financial year 2019-20, the non-domestic tariff is Rs. 8.50/- per unit and Industrial tariff is Rs. 7.50/- per unit. Since September 2019, the complainant is not allowed to make payment for the bills which is creating the unnecessary burden on the shoulders of the complainant.

Therefore, he requested the Forum to direct the respondent for assessment of his bills since September 2018 on industrial tariff schedule. He also asked for stay on disconnection of the above mentioned electricity connection and waiver off Late payment surcharge. The complainant further asked for reimbursement of the over charged bills and legal expenses.

Notices were issued to both the parties to appear before the Forum on 12.03.2020, when none was present on behalf of the complainant. Matter was adjourned to 23.03.2020.

The respondent company submitted their reply stating therein that the connection against CA No. 100043376 was sanctioned in the name of Vijay Kumar Sethi for industrial tariff having sanctioned load on 30 KW. Respondent further stated that in the absence of valid industrial license, bills to the complainant are raised on non-domestic tariff since September 2018. The last bill on industrial tariff was generated upto August 2018.

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For

Vijay

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It was also their submission that the complainant approached the office of the respondent for industrial tariff and submitted copy of renewed license dated 22.11.19. And for processing the case for industrial tariff, the complainant has to submit DPCC consent as per DPCC mandatory provision. The complainant was informed vide letter dated 28.02.2020 to submit the same.

Respondent also submitted DPCC order no. DPCC/2421-2445 dated 12.11.18, some of extract of the notice are narrated below:-

And whereas, Hon'ble Supreme Court has passed a judgement on 07.05.2004 in I.A. no. 22 in WP (c) no. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others" for closure of the illegal units from the residential/non-conforming areas in NCT of Delhi. As per the said judgment, all industrial units that have come up in residential/non-conforming areas in Delhi on or after 1st August, 1990 shall close down.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control areas, under sub section (I) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under u/s 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish/operate an industrial plant in any air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

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Matter was listed for hearing on 23.03.2020, due to Covid19, Forum was closed and hearing is now conducted on 17.07.2020 through video-conferencing. All the parties were issued notices through e-mail and messages.

On 17.07.2020, the respondent company submitted revised bill, copy of same was provided to the complainant to go through. Matter was adjourned to 30.07.2020. On 30.07.2020, again none was present on behalf of the complainant. Another opportunity was given to complainant to appear before the Forum on 07.08.2020.

The complainant submitted their written submissions in which they stated that he is running the same business operations with valid factory license in his premise since 1960. It is also submitted that the complainant have a valid factory license issued by North Delhi Municipal Corporation and the business category carried out by the complainant falls under the white category as per DPCC. As per the notification dated 28.01.2019 issued by DPCC, the complainant is not required to take DPCC consent for running its business operations. He further added that as per the latest tariff schedule, no requirement for DPCC consent is mentioned for assessment under industrial tariff category.

The counsel for the complainant filed an application for interim injunction u/o 39 Rule 1-2 against the respondent on 31.07.2020, he requested to not to disconnect the electricity supply as respondent is demanding Rs. 2,70,000/- his outstanding bill otherwise they will disconnect his supply. The complainant further stated that on numerous occasions he went to the office of the respondent to pay the bills, however, the said request was refused each and every time. Further, the above stated matter is related to the grievance of the complainant in respect to the faulty assessment of bills under the wrong tariff category. Since December 2019 till date the complainant approached the respondent to pay his bill but refused every time.

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Respondent company also submitted details of bill revision which is as below:-

Bill was revised from the period of 17/05/2019 to 31/03/2020(as factory license was renewed 17/05/2019)

- Before the assessment bill shows Rs. 220417.94 thus we wrongly given Credited Rs 29428.99 instead of Rs. 24079.49 thus bill remains Rs 202000.00 We corrected the same and system charged Rs. 5617.50 so revised bill is Rs 207620.00 including LPSC amount of Rs.11013.52
- $Rs.220417.94-29428.99= Rs\ 190988.95 +5617.50 =Rs.196606.45 +11013.52$
LPSC =Rs 207620.00 app In the month of May -2020
- LPSC amount of Rs. 11013.52 has been waived off.
- Now outstanding dues is Rs.241860.00

The matter was taken up for hearing on 04.08.2020 due to the application moved by the complainant under Rule 32 (1&2) and the Forum directed the respondent company to not to disconnect the electricity supply of the complainant till the final orders of the Forum. Arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present case is revision of bill of the complainant from non-domestic to industrial tariff.

We have gone through the submissions made by both the parties and from the narration of facts and material placed before us we find that the complainant filed renewed factory license in May 2019 which was valid till 31.03.2020, thereafter the respondent raised bill on industrial tariff amounting to Rs. 241860/-. The complainant paid the last part payment of Rs. 50,000/- on 26.11.2019, thereafter, he had not made any payment. The bill is revised in accordance to tariff schedule for FY 2019-20 which is reproduced below:-

As per tariff schedule 2019-20:-

The valid Factory License shall be mandatory for applicability of Tariff under Industrial category: Provided that in case where the Factory License has expired and its renewal

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application is pending with the concerned authority, the DISCOMs shall bill such consumers as per Tariff applicable under Non Domestic category; Provided further that on renewal of the Factory License, the DISCOMs shall adjust the bills of such consumers as per applicable Tariff under Industrial category from the effective date of renewal of such License.

Electricity Tariff for FY 2019-20 is mentioned below:-

Category	Existing energy Charges (Rs./kWh or Rs./KVAh)	Revised Energy Charges (Rs./KWh or Rs./KVAh)
Domestic (above 1200 Units)	7.75	8.00
Non Domestic (Above 3kVA)	8.00	8.50
Industrial	7.25	7.75
Public Utilities	5.75	6.25
DIAL	7.25	7.75
Advertisement & Hoardings	8.00	8.50

Hon'ble Supreme Court of India in the matter of Telengana State Southern Power Distribution Company Vs Syndicate Bank in its order dated 03.06.2020, stated in Hyderabad bottling plant stated that statutory dues under electricity act cannot be characterized as purely contractual and waived off.

In view of above, the bill revised by the respondent is as per DERC Guidelines. The total bill amount is Rs. 2,41,860/- due on the complainant since September 2018 till May 2020. During this period the complainant made part payment of Rs. 50,000/- on 29.11.2019, in lieu of all the bills. The bill revised by respondent is under industrial tariff after the complainant submitted his renewed factory license.

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The Forum is of the opinion:-

The bill revised by the respondent is under industrial category from May 2019 to May 20 after depositing renewed license by the complainant and the total bill amounting to Rs. 2,41,860/- is payable by the complainant.

So, the complainant is directed to pay the revised bill amounting to Rs. 2,41,860/- as energy is consumed by him.

The respondent is directed to provide installments if complainant wants as per DERC Guidelines 2017 under Section 49.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).


(HARSHALI KAUR)
MEMBER (CRM)


(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)