



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

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SECY:CTIN/01/2019/188

CA No.

Complaint No. 70/2019

In the matter of:

N.C. Mittal

.....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. Kapil Mittal, Authorized representative of the complainant
2. Mr. Imran Siddiqi, Mr. Pawan Kumar Verma & Mr. B.B. Sharma,
On behalf of BYPL

ORDER

Date of Hearing: 20th January, 2020

Date of Order: 21st January, 2020

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

The complainant's grievance is that he is using electricity through CA No. 100334519 installed at his premises no. 4606/13, Daryaganj, New Delhi-110002.

It was also his submission that till 22.05.2018, the bills were raised on actual reading basis and were duly paid, suddenly the bill dated 23.06.18 raised on provisional basis for Rs. 15030/- (including Rs. 8937/- as current charges and Rs. 6020/- as arrears of last bill). He further submitted that the next bill he

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received dated 23.07.18 for Rs. 18,899.65/- including arrear of Rs. 8926/- of previous month's bill and current bill of Rs. 7845/- . The said bill was also on provisional basis. On both the occasions he approached the respondent to know the reason of provisional bills but did not get appropriate response from them and upon insistence by respondent he made the current charges of Rs. 8937 /- pending of the bill dated 23.06.18 on 11.08.2018.

It was also his case that on 19.07.2018, no electricity was noticed by him and same was duly intimated to respondent around 11.00 AM. The respondent without any prior information installed new meter on 24.07.2018 in replacement of old meter. He was asked by the respondent to present at BSES Testing laboratory on 01.08.2018 for de-sealing of the meter, but same was done on 02.08.2018. He was provided with the meter testing report which states "that the meter was burnt."

He further stated that he wrote mails to the respondent to accept the due payment (except the disputed bills), instead of taking any action to his request the respondent on 14.02.2019 pasted a disconnection notice on his meter and finally disconnected his supply on 22.02.19.

He requested the Forum to direct the respondent company for immediately restoration of his electricity connection, explanation of bill dated 23.08.2018, drawing the bill for respective period in terms of actual readings available, withdraw new meter installation cost of Rs. 1498.60/-, delete all late payment surcharges. He also asked for compensation for unnecessary harassment.

Notice was issued to both the parties to appear before the Forum on 29.11.19. The respondent company in its reply dated 29.11.2019 submitted as under:-

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The complainant Mr. N.C. Mittal is registered consumer having a non-domestic connection bearing CA No. 100334519 with the sanctioned load of 6 KW. The regular bills were being raised to the complainant as per downloaded reading and nothing was due till 18.05.2018 at reading 35752. Thereafter the meter of the complainant got burnt and same was replaced with new meter on 24.07.2018 and in between first provisional bill was raised in June 2018 amounting to Rs. 8937/- and the same has been paid by the complainant on 11.08.2018. Another provisional bill was raised in the billing month of July 2018, but the complainant did not make the payment of the same.

Respondent also submitted that the defective period i.e. from 19.05.2018 to 23.07.2018 has been assessed on the basis of the actual average consumption recorded during the corresponding period in the preceding year as per DERC norms by the system itself by adjusting the amount of provisional bills excluding the amount of fixed charges. Thereafter, the new meter was installed and the bills were generated as per downloaded readings. It was further added that the reading 35752 dated 18.05.2018 was the last actual downloaded reading from the meter in issue, thereafter; all the readings were calculated by SAP system itself.

It was also their submission that the complainant did not make any payment after 11.08.2018; therefore, the supply of the complainant was disconnected from meter on 22.02.2019. Further, the supply of the complainant was restored on 05.07.2019 after the complainant made part payment of Rs. 31,300/-. It was further added that no electricity complaint by complainant was received on 23.07.19.

It is pertinent to mention here that during the course of hearings both the parties were given ample time to settle the matter amicably, but they could not arrive to any settlement.

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Following are the main issues in the complaint:-

1. Whether the provisional bills assessed by the respondent is correct,
2. The fixed charges levied by the respondent for the period 22.02.19 to 05.07.2019 are recoverable or not
3. The reconnection charges are payable by the complainant or not
4. Waiver of full LPSC
5. Meter cost to be borne by the respondent

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the meter of the complainant got burnt after 05.07.2018 and respondent company changed the meter of the complainant on 24.07.2018. The said meter was tested in the BSES laboratory and the meter testing report stated that the meter found burnt. The complainant was using electricity through the new meter installed at his premises on 24.07.2018 and approached the respondent for rectification of his electricity bills, but both the respondent and the complainant could not come to any fruitful conclusion. The complainant did not pay electricity charges between the period 24.07.18 after replacement of meter to 22.02.19 (date of disconnection of meter), thereafter, the supply of the complainant was disconnected by the respondent on 22.02.19 on non-payment of dues. The respondent served disconnection notice to the complainant on 18.11.2018 via speed post (proof attached) and also pasted the disconnection notice on the meter of the complainant on 14.02.2019 (the same is admitted by the complainant in his complaint).

That the supply of the complainant was reconnected by the respondent on 05.07.2019 after the complainant made part payment of Rs. 31,300/- against the total dues of Rs. 58657/-, the said new meter also got burnt on 30.07.2019. The supply of the complainant was restored by the respondent with the new meter on 30.07.2019 and the meter was sent to BSES laboratory for testing.

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The respondent raised the bill for the period 05.07.2019 to 30.07.2019 for Rs. 2805/- on the average basis as the reading was not available. The assessment was made on preceding six months reading basis.

In the meanwhile, the respondent's enforcement team visited the premises of the complainant for inspection but the complainant restrained them from inspecting his premises on the pretext that the matter is sub-judice before the CGRF.

The respondent put up the proposal for resolution and gave complainant credit of meter cost (meters installed on 25.07.2018 and 26.07.2019 amounting to Rs. 1498.60/- and 1464.11/- respectively), waived off entire LPSC amounting to Rs. 6949.31/- and reduced total bill amount from Rs. 51,800/- to Rs. 41,362/-, but the complainant did not agree to the said waiver.

The complainant wants that as per **Sub-Regulation 10 and 12 of Regulation 30 of DERC Supply Code and Performance Standards 2017** (quoted under), the provisional bills for the month of June 2018 and July 2018 should not be assessed on the basis of previous years consumption.

(10) In case, for any reason, to be specifically recorded, the meter is not read/recorded during a billing cycle, the Licensee shall prepare a provisional bill based on the consumption during the corresponding period in the previous year when readings were taken:

Provided that if the consumption during the corresponding period in the previous year is not available, the Licensee shall take average consumption of preceding three billing cycles or the lesser period when readings were taken.

(12) The amount paid as per the provisional bill as prepared in sub-regulation (10) above shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles:







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The complainant also wants that the fixed charges levied for the period his meter was disconnected (i.e. between the period 22.02.2019 to 05.07.2019) be also waived off. Also the reconnection charges to be waived off.

After going through the above deliberations the Forum is of the view that as per **Sub-Regulation 10 and 12 of Regulation 30 of DERC Supply Code and Performance Standards 2017**, the provisional bills for the month of June 2018 and July 2018 are to be assessed on the basis of corresponding readings of the previous year and if same is not available the Licensee shall take average consumption of preceding three billing cycles or the lesser period when readings were taken.

As per sub-regulation 1 of Regulation 40 of the DERC Supply Code and Performance Standards, 2017, which is reproduced here that

40. Billing in case of burnt meter:-

(1) The electricity charges for the period for which meter was not read, shall be billed on the basis of actual average consumption recorded during the corresponding period in the preceding year, excluding the provisional billing: Provided that if actual consumption recorded during the corresponding period in the preceding year is either not available or partially available, the actual average consumption of past 6 (six) billing cycles immediately preceding the date of meter being detected or reported defective, excluding the provisional billing, shall be used for billing purpose:

Provided further that if the actual average consumption of past 6 (six) months is either not available or partially available, the average consumption for the next 3 (three) billing cycles excluding provisional billing after the installation of new meter shall be used for billing purpose.

Since the energy charges are payable and cannot be waived off as per above quoted Regulation, here the Forum directs the respondent to revert the assessment done by them and let the complainant pay the provisional bill for the month of July 2018.

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Sub-Regulation 6 of Regulation 19 of DERC Supply Code and Performance Standards 2017, "during the period of temporary disconnection, the consumer shall be liable to pay the fixed charges to the Licensee".

The complainant asking for waiver of fixed charges for the period 22.02.19 to 05.07.2019 when his supply was disconnected, as per above quoted Regulation of DERC the fixed charges are payable and cannot be waived off.

The complainant further asked for compensation for harassment and for loss of his business due to no-electricity. Compensation is defined as:-

Compensation definition, the act or state of compensating as by rewarding someone for service or by making up for someone loss, damages, injury by giving the injured party as an appropriate benefit.

But in the present case, the complainant raised his queries to the respondent from time to time and the respondent replied the same. Following are the details of the mails sent by the complainant to the respondent and the respondent's reply to the same.

1. First mail was sent by the complainant on 16.10.18 and replied by the respondent on 22.10.18.
2. Second mail was sent by the complainant on 14.11.18 and respondent replied the same on 19.11.18.
3. On 14.12.18 the complainant sent the another mail which was replied on 28.12.18.
4. Again on 15.02.19 replied on 19.02.19,
5. Fifth mail received by the respondent on 18.02.19 and was replied on 18.02.19.
6. Finally on 10.04.19 replied on 23.04.19.

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The complainant did not pay the energy charges of undisputed amount or current charges between the periods June 2018 to December 2019, apart from a single payment of Rs. 31,300/- at the time of reconnection of electricity in the month of July 2018. After the directions of the Forum to pay the current charges the complainant deposited Rs. 3331/- on 14.01.2020.

After seeing all the facts and circumstances the Forum is of opinion that there is no ground to award compensation to the complainant.

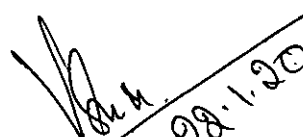
Now, in the bill of the complainant the costs of two meter has been waived off amounting to Rs. 1498.60/- and 1464.11/- respectively, LPSC amounting to Rs. 6949.31/- has also been waived off, the current bill paid by the complainant in the month of January 2020 amounting to Rs. 3331/- is also adjusted and the assessment done by the respondent of the provisional bills for the month of June 2018 and July 2018 is reverted back now the complainant will pay the provisional bill for the month of July 2018 (bill for the month of June 2018 already paid by the complainant). The Forum also waived off the reconnection charges amounting to Rs. 236/-. After giving all the above stated credits to the complainant the bill of the complainant has been reduced to Rs. 39,900/- against the bill of Rs. 51,800/- till the billing month of December 2019. The consumer is directed to pay the said revised bill of Rs. 39,900/-.

Hence the complaint of the complainant is disposed off.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(HARSHALI KAUR)
MEMBER (CRM)


(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)