



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/CHN/015/08NKS

C A No. 100031278

Complaint No. R.A.No. 05/2020 in C.G. No. 10/2020

In the matter of:

St. James ChurchComplainant
(The Chaplin of Delhi)

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. Vishnu Sharma, Counsel for the complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta &
Mr. Jagatheesh Kannan, On behalf of BYPL

ORDER

Date of Hearing: 04th December, 2020

Date of Order: 08th December, 2020

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

Briefly stated facts of the case are that the complainant lodged a complaint in CGRF on 17.02.2020 regarding charging on non-domestic tariff from July 2002 to June 2019, to the place of worship.

The Forum vide its order dated 30.07.2020 directed the respondent that the complainant's electricity connection vide CA No. 100031278 be reclassified as domestic w.e.f. 01.09.2017 and excess amount paid by the complainant be adjusted in the future electricity bills for the connection.

Harshali Kaur

Imran Siddiqi
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The respondent on 28.08.2020 filed their application for reviewing the orders of the Forum, where they found that the Forum committed a mistake by passing the order beyond the mandate of Regulation 17 (6) of DERC Supply Code 2017. Respondent also quoted relevant portion of Regulation 17 (6) for sake of reference which is reproduced here:

(iv) Arrear or excess charges shall be determined based on the actual period of wrong classification limited to a period of 12 (twelve) months or a period from the date of last inspection of the installation of the consumer by the Licensee whichever is shorter and the account of the consumer shall be suitably adjusted.

It was further their submission that from afore referred Regulation it is apparent that under no circumstances "the arrears or excess charges" can be charged/adjusted for more than a period of 12 months; therefore, they requested Forum to review its orders.

Notices were issued to both the parties to appear before the Forum on 07.09.2020.

On hearing dated 07.09.2020, the complainant made their submission stating therein that they have appealed before the Electricity Ombudsman against the orders of the Forum. Forum asked the complainant to file the appeal no of Ombudsman.

On 08.09.2020, the Forum received the letter from Ombudsman regarding appeal filed by Sh. Kamal Baluja on behalf of The Chaplin of Delhi, St. James Church before the Electricity Ombudsman for NCT of Delhi in Appeal No. 14/2020 dated 28.08.2020 against the CGRF-BYPL's order dated 30.07.2020 passed in Complaint no. 10/2020 vide letter no. E.Omb/Secy/BYPL/14/2020/150 dated 04.09.2020.

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The Forum held that since the matter is in appeal before the Hon'ble Ombudsman, this Forum has no jurisdiction to entertain the review application. The case file was forwarded to Ombudsman for further proceedings.

The relevant para from the order of the Ombudsman is narrated under:-

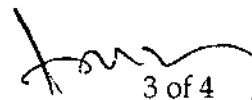
"From the facts as disclosed and elaborated during the course of the hearing, it is thus found that the appeal filed by the appellant before the Ombudsman is still at the "premature stage", as the final decision with regard to the 'grievance' of the Appellant as well as the pleading of the Discom through the 'review petition' is yet to come up for hearing in the CGRF. Under these circumstances it won't be prudent for the Ombudsman to draw a final conclusion on the merit of the case and adjudicate upon the pleadings of the Appellant until and unless the CGR appropriately adjudicates upon and settles this case on merits."

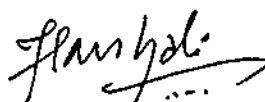
The file was returned to Forum, the matter was listed for hearing on 04.12.2020. Arguments of both the parties were heard and matter was reserved for orders.

In view of the above the Forum finds as under:-

The respondent should have Suo-moto change the category of the connection of the complainant as per Regulation 17 (6) of DERC Supply Code 2017, which is narrated below:-

17. Existing connections (6) Suo-motu reclassification of consumer category by the Licensee:- (i) If it is found that a consumer has been wrongly classified in a particular category or the purpose of supply as mentioned in the agreement has changed or the consumption of power has exceeded the limit of that category as per the tariff order of the Commission or the category has changed consequent to a revision of tariff order, the Licensee shall suo-motu reclassify the consumer under appropriate category.


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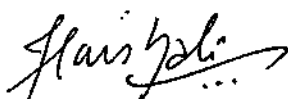
Further, Section 62(6) of the Indian Electricity Act 2003, Section 62. (Determination of tariff): --- If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.

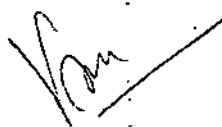
Therefore, Forum re-confirms its earlier order dated 30.07.2020 as per provisions of Section 17.6 of the DERC Regulations 2017(effective from 01.09.2017) suo-moto reclassification of consumer category necessitated immediate action by inspection on their own by the respondent, which was admittedly not done by them. Proactive compliance of the provision (in favour of consumers) required such inspection /action by the respondent in September 2017 itself. Later on the category was changed to domestic by the respondent after inspection on 16.07.2019, on complainant's request under provisions of clause 17.5 of the DERC Regulations 2017.

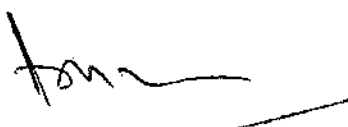
The complainant's electricity connection vide CA No. 100031278 be reclassified as domestic w.e.f. 01.09.2017 and excess amount paid by the complainant be adjusted in future electricity bills for the connection.

The case is disposed off with above directions.

The order is issued under the seal of CGRF:


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LEGAL)


(ARUN P SINGH)
CHAIRMAN