

**OFFICE OF ELECTRICITY OMBUDSMAN**

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

(Phone-cum-Fax No.: 011-26144979)

**Appeal No. 10/2024**

(Against the CGRF-BYPL's order dated 23.02.2024 in Complaint No. 460/2023)

**IN THE MATTER OF**

**Shri Dhan Singh Rawat**

**Vs.**

**BSES Yamuna Power Limited**

Present:

Appellant: Shri Dhan Singh Rawat along with his son Shri Deepak Rawat

Respondent: Shri Pammi Kumar Kalra, Sr. AFO, Shri Shiv Shankar Sharma (AFO), Ms. Chhavi Rani, Legal Retainer and Ms. Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 12.06.2024

Date of Order: 13.06.2024

**ORDER**

1. Appeal No. 10/2024 dated 03.04.2024 has been filed by Shri Dhan Singh Rawat, R/o D-2/60, Dayalpur, Delhi – 110094, against the Consumer Grievance Redressal Forum – BSES-Yamuna Power Limited (CGRF-BYPL)'s order dated 23.02.2024 in Complaint No. 460/2023.

2. The instant case is that the Appellant approached the Discom number of times for a reduction of the load from 3 KW to 1 KW for the non-domestic electricity connection bearing CA No. 101427602, installed at the above-cited premises, on the plea that the said premises was lying vacant since January, 2023 and he has been receiving 'zero' amount bills. Instead of reducing the load, the Discom enhanced the load from 3 KW to 4 KW with effect from September 2023, as per Regulation 17(4) of DERC's Supply Code, 2017, based on MDI recorded in the financial year 2022-23 (1.4.2022 to 31.03.2023). Based on the load revision, the Appellant was required to



pay an additional security amount of Rs. 4,500/-. However, the Discom claimed that the revision of load was duly conveyed to the Appellant vide their notice dated 18.05.2023 and, in terms of Regulation 17(4)(vii), there is a lock-in period of six months from the date of load enhancement for acceptance of any application for load reduction. In this case, load enhancement is effective from September 2023, therefore, six months will be completed in March, 2024.

3. Subsequently, the Appellant approached the CGRF for a reduction of load with effect from February, 2023 due to high tariff bills raised by Discom, which he has been unable to pay. The CGRF-BYPL in its order dated 23.02.2024 took a view that the load enhancement by the Discom was not in accordance with the Regulation 17(4) of DERC's Supply Code, 2017 and directed the Discom to reverse the load enhancement from April, 2022 along with refund of the security amount of Rs.4,500/- deposited by the complainant. The Forum further directed the Discom that in case the complainant asked for further load reduction from 3 KW to 1 KW, the same should also be done in accordance with the DERC's regulations.

4. Aggrieved by the order dated 22.02.2024 passed by the Forum, the Appellant preferred this appeal and submitted that the Discom adjusted the security amount paid on account of the enhanced load (Rs.4,500/-) from unpaid bills, and the load was reduced to 3 KW. The Discom also disconnected the electricity connection (CA No. 101427602) on 04.03.2024 earlier than the scheduled time of 15 days, which caused him significant inconvenience.

And the Appellant finally prayed for (i) a refund of all paid bills w.e.f. February, 2023 onwards and to nullify unpaid bills, (ii) a refund of the total security amount deposited, and (iii) compensation for harassment.

5. The Discom, in its written submission dated 08.05.2024, stated that the non-domestic connection in question was energized on 25.12.2000 for 1 KW and further enhanced to 3 KW in 2022 on the basis of MDI of four consecutive months of the previous financial year. Finally highest average MDI of four consecutive months was taken into account during the financial year 2022-23 for an enhancement of the sanctioned load from 3 KW to 4 KW in line with Regulations 17(4) of DERC's Supply Code, 2017, from 14.09.2023. Further, the first complaint on reduction of load was received from the Appellant vide letter dated 21.09.2023 which was duly replied through their letter dated 11.10.2023 covering the aspects of enhancement of load and consequently the demand for additional security of Rs.4,500/-.



6. At the same time, while inviting attention to regulation 17(3)(vi), it has been mentioned that taking into account the load during the correspondence period in the last year, the load stands reduced to 2 KW from September/October, 2023 by treating the load enhancement as 4 KW as wrongly done and further stands reduced to 1 KW in terms of regulations w.e.f. 01.04.2024. However, going by the order passed by the CGRF, if the load deduction is taken from March, 2022 as 1KW consumption, the consumption pattern in excess of 1 KW would attract a load violation penalty and under no circumstances, the bill could be nullified.

7. The appeal was admitted and taken up for the hearing on 12.06.2024. During the hearing, the Appellant was presented along with his son Shri Deepak Rawat and the Respondent was represented by its authorized representatives/counsel. An opportunity was given to both the parties to plead their case at length.

8. During the course of hearing, the Appellant reiterated their stand as in the appeal. They submitted that they had called the Customer Care for ascertaining the procedure to be followed for reduction of load. However, they did not receive any satisfactory response despite approaching the various offices. They were advised to submit the requisite application online for reduction which was assured to be carried out within the given timeframe. However, no online application could be submitted due to some technical glitch. As a result, a notice for enhancement of load from 3 KW to 4 KW was served by the Respondent and enhancement was thereafter carried out during September, 2023. The Appellant conceded that during the month of January, 2023, the shop was vacated and after that, no request, in writing, could be submitted except telephonic calls on customer care and personal visits to the office of the Respondent. For the first time, the application for load reduction was submitted on 21.09.2023 on which no action was taken. Appellant could not respond satisfactorily to a query as to why reconnection of supply by the officials of Respondent was not allowed by him during their visit.

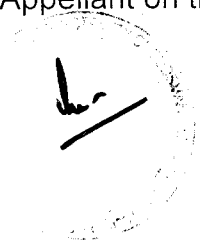
9. In rebuttal, Advocate who appeared for Respondent reiterated their stand as mentioned in the written submission.

10. During the hearing, the Appellant was informed that the Discom had correctly enhanced the load from 3 KW to 4 KW, taking into account the average of the highest MDIs of four consecutive months during the financial year 2022-23. The load enhancement is in accordance with provisions of Regulation 17(4) of DERC's Supply Code, 2017. The procedure for enhancement/reduction of load and restoration of disconnected as prescribed in the extant regulations was also explained to the Appellant. It was observed that the load enhancement carried out w.e.f. September 2023 was not in order.



11. This Court has heard the contentions of both the parties, gone through the appeal and written submissions submitted by the respective parties. The Court has also gone through the relevant provisions of the DERC (Supply Code and Performance Standards) Regulations, 2017, very minutely and is of considered opinion:


- (i) That Regulation 17 (4) (i) contemplate taking into account highest of average of maximum demand readings recorded as per billing cycles covering any four consecutive calendar months in the preceding financial year from 1<sup>st</sup> April to 31<sup>st</sup> March. The Discom complied with the said provision in enhancing the load from 3 KW to 4 KW, based on 4 months maximum MDI average during April, 2022 to August, 2022, namely 4.47 KW, 4.61 KW, 4.73 KW and 2.38 KW and issued a notice as required. However, the DISCOM erred in making the enhancement effective from 14.09.2023, although the regulation 17(4)(vi) contemplates for revision of the sanctioned load from 1<sup>st</sup> July of the financial year.
- (ii) That Regulation 17(3) deals with reduction of load on the request of the Appellant. The reduction is based on highest of average of any four consecutive months maximum demand readings during the last twelve months, and carried out on request of the consumer.
- (iii) That the interpretation by CGRF of Regulation 17(4) appears wrong. The Discom has also pointed out that, if load is reduced to 1 KW from 2022, load violation penalty will accrue and therefore under no circumstances the bill can be nullified.
- (iv) That the Appellant didn't accept the offered resolution. After credit of Rs.4,500/- he did not pay the outstanding amount of Rs.7,890/- and after notices on 07.12.2023, 05.01.2024 and 06.02.2024, the connection was disconnected due to non-payment since September, 2023. The Appellant did not allow restoration also.
- (v) That the Customer Care of the DISCOM was discourteous and non-friendly towards consumers which resulted in mental agony and harassment to the Appellant. No categorical information was provided to the Appellant on the provisions of Regulations 17(3) and 17(4).

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12. In view of foregoing, this Court, therefore, directs as under:

- (a) Order dated 23.02.2024 passed by the CGRF is set-aside.
- (b) In the light of the provisions of Regulation 17(3) and 17(4) the sanctioned load of relevant period shall be as under:
  - (i) From 01.04.2022 to 30.06.2023 - 3 KW
  - (ii) From 01.07.2023 to 31.12.2023 - 4 KW
  - (iii) From 01.01.2024 onwards - 1 KW
- (c) Discom shall calculate the payable amount in accordance with the sanctioned load and raise a fresh demand, after necessary adjustments of the calculated dues within 10 days of the order.
- (d) The Appellant shall pay the due amount within 15 days after receiving the revised bill. Thereafter, the electricity connection shall be restored on the request of the Appellant.
- (e) For the harassment, mental agony and suffering of the Appellant on account of the inapt handling of the grievance by the Customer Care and Officers, a compensation of Rs. 2,500/- be paid by the Discom to the Appellant to be adjusted against ensuring bills.
- (f) CEO may take steps for sensitizing the staff for courteous and polite behaviour by the Customer Care with the consumers who approach them and to ensure proper guidance. Besides, the staff must display scrupulous compliance with the Regulations, particularly Regulation 17(3) & 17(4) and for making effective the load reduction/enhancement, in the light of the time frame laid down.

The appeal stands disposed off accordingly.

  
(P.K Bhardwaj)  
Electricity Ombudsman  
13.06.2024