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A.K. Chaterjee Vs. Bses

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Mar-13-2007

Judge : J.D. Kapoor, President &Amp; the Honourable Ms. Justice Rumnita Mittal, Member

Appeal No. : Appeal No. A-122 of 2005

Appellant : A.K. Chaterjee

Respondent : Bses

Judgement :

J.D. Kapoor, President:

1. Feeling aggrieved of the exorbitant electricity bills raised by the respondent after the change of meter in May, 2003 as it showed very huge consumption, the appellant made representations to the respondent for revision of the bills. On failure of the respondent to take any action the appellant filed the instant complaint before the District Forum.

2. Vide impugned order dated 10.1.2005, the District Forum dismissed the complaint on the premises of having got the meter checked during the pendency of the complaint in October, 2004 and also the consumption pattern of the consumption shown from December 2001 to August, 2004.

3. Through this appeal the impugned order has been assailed on the ground that the District Forum has not considered the consumption pattern as well as rise in the consumption of units after the change of the meter in the proper perspective. The bi-monthly consumption from December 2001 to August 2004 shown in the impugned order needs to be reproduced and is as under:

December	2001	1900
February	2002	1960
August	2002	1150
October	2002	1020
December	2002	730
February	2003	910
April	200	2640
June	2003	976
August	2003	3490
October	2003	2290
December	2003	1775
February	2004	1650
April	2004	1978
June	2004	2664
August	2004	3211

4. As is apparent, the dispute was raised after May 2003 and, therefore, the examination of the meter as ordered by the District Forum on 25th November, 2004 was of no relevance.

5. In terms of Section 56 of the Electricity Act, 2003 whenever a consumer disputes the bill on the ground of correctness of the meter or otherwise the electricity company shall not cut off the electricity, on payment of electricity charges due from him for each month calculated on the monthly basis of average charges for electricity paid by him during the preceding six months or an amount equal to the sum claimed from him whichever is less, pending disposal of dispute between him and the licensee.

6. In the instant case the respondent did not take any decision on the dispute raised by the appellant and straightaway called upon him to make the payment of the bills as raised by it.

7. Regulation 20 of the DERC Regulation, 2002 provides that whenever the consumer disputes the accuracy of the meter, he may, upon giving notice/complaint to the effect and paying prescribed testing fee, have the meter tested by the licensee and shall, within 15 working days of receiving the complaint, carry out the testing of the meter and shall furnish duly authenticated results to the consumer and till then the consumer shall not be liable to pay any demand violation charges if the demand computed on the basis of testing results of the meter exceeds his contract demand. However, the respondent may claim the electricity bill for the period subsequent to the period in dispute according to the actual consumption charges.

8. Since in this case none of the mandatory requirements of the law were complied with by the respondent, we allow the appeal and set aside the impugned order with the direction to the respondent to charge the dues from the appellant for each month calculated on the basis of average for the electricity consumed by him during the preceding six months or an amount equal to sum claimed from him whichever is less and pass on speaking order in respect of the dispute raised by the appellant before us. Till then the electricity will not be cut off. The aforesaid process shall be completed within two months.

9. The bank guarantee/FDR, if any deposited by the appellant be returned forthwith after completing necessary formalities.

10. A copy of this order as per statutory requirements be forwarded to the parties free of costs and also the concerned District Forum and thereafter the file be consigned to Record Room.

Appeal allowed.

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