OFFICE OF ELECTRICITY OMBUDSMAN

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

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Appeal No. 21/2026

(Against the CGRF-BYPL's order dated 02.08.2024 passed in Complaint No.231/2024

IN THE MATTER OF

Shri Mohd. Irfan

Vs.

BSES Yamuna Power Limited

Present:

Appellant:	Shri Naeem Ahmed, Shri S.C. Sagar & Shri Shubham Gupta, Advocates, appeared on behalf of the Appellant.
Respondent:	Shri Ravinder Singh Bisht, DGM (Legal), Shri Tarun S. Anand, DGM (CO), Shri Ankit Kumar, MT, Shri Akshat Aggarwal, Legal Retainer, Shri Ashok Kumar & Shri Rahul Saini, Advocates, on behalf of BYPL
Date of Hearing:	13.08.2026
Date of Order:	17.08.2026

ORDER

1. Appeal No.21/2026 dated 21.05.2026 has been filed by Shri Mohd. Irfan, R/o 215/11, Gali No.5, Maujpur, Delhi - 110053, through Advocate, Shri Naeem Ahmed, against the Consumer Grievance Redressal Forum – BSES Yamuna Power Limited (CGRF-BYPL)'s order dated 02.08.2024 passed in Complaint No.231/2024.

2. The background of the case before the Forum, vide complaint dated 22.04.2024, was that the dispute arose from a domestic electricity connection, CA No. 101231361, which was energized on 30.05.1995, in the name of the Appellant at the aforesaid premises. According to the Appellant, on 19.05.2022, the said meter

was burnt consequently stopped working, which prompted a telephonic complaint No.22051802588. The Respondent replaced the meter on the next day but failed to prepare any inspection or load reports at the time of replacement. In March 2023, the Respondent raised a regular electricity bill that added an enforcement demand of Rs.4,72,000/- for Dishonest Abstraction of Energy (DAE) under Case No. 401579542. The Appellant contended that adding this DAE penalty to a regular bill violated DERC regulations, especially, since the Respondent never provided him with any inspection, load, or laboratory reports to substantiate the enforcement bill. Due to non-payment of disputed amount/outstanding dues, the Respondent disconnected the electricity supply in January 2024 at his premises. The Appellant subsequently issued a legal notice via email on 30.03.2024 to the Respondent, which went unanswered. His efforts to withdraw the disputed amount had gone in vain. This action caused undue harassment to him. Hence, the Appellant approached the Forum seeking directions to withdraw/set aside the DAE enforcement bill and award compensation as per DERC guidelines.

3. The Discom, in its written submission before the Forum dated 06.06.2024, submitted that the disputed amount was raised on account of assessment of unbilled units due to the meter found slow on testing. The sequence of events are as under:

Date	**Event**
06.08.2022	Old subject meter no.11528585 removed and sealed in a gunny bag (No.950227).
08.08.2022	New meter no.55406286 installed.
14.11.2022	The subject meter was tested by third-party lab, M/s Oorja Technical Services Pvt. Ltd., Lab report concluded that "Meter found tampered" and slow by 96.812 %.
15.11.2022	Notice issued under Section 163 of the Electricity Act, 2003.
25.11.2022	An inspection was carried out for the suspected case of DAE and connected load found to be 2.59/DX/kW.
06.12.2022	Upon case analysis, the consumption pattern was found to be more than or near to 75% and meter was found slow by approximately 97%.
08.12.2022	A speaking order was passed in respect of the quashing of DAE proceedings with directions for assessment on slowness of the meter.
09.02.2023	The meter was re-tested by third-party lab, M/s Yadav Measurements Pvt. Ltd. Lab Report concluded again that

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	"meter was tampered" and slow by 97.83%. (The said meter testing was witnessed by one Shri Saurabh Sharma)

Based on the above facts, the DAE case against the Appellant was officially dropped by the Respondent. However, the laboratory reports proved that the Appellant had tampered with the meter by adding two extra resistors connected with shunt output wire inside it. This tampering caused the meter to run slow and record approx. 97% less than what was actually used. Because of this inaccuracy, the Respondent assessed the bill in accordance with Regulation 32 (7) "Testing of meter" of the DERC Supply Code, 2017 for the six months prior to replacement of meter i.e. from 07.02.2022 to 07.08.2022. During this time, the tampered meter only recorded 1788 units, but the Appellant actually should have been charged for 44,700 units. Hence, the Respondent raised an assessed bill of Rs.4,71,800.00 to cover the unpaid 42,912 units. Respondent submitted that the Appellant is liable to pay this amount because the old meter was clearly inaccurate, which is further established from the consumption of units now being recorded by the new meter.

4. The Appellant, in his rejoinder to the written submission dated 25.06.2024, contended that the two lab reports were completely false and baseless. He submitted that his electricity consumption was 1788 units for the period from 07.02.2022 to 07.08.2022. After the old meter was replaced with a new one, the consumption was 2983.66 units for the next six months, from 08.08.2022 to 07.02.2023. Based on this comparison, the Appellant argued that the old meter was only 40.47% slow, rather than 97% slow as claimed by the Respondent.

5. The Forum, in its order dated 02.08.2024, observed that admittedly the meter was tampered resulted in slow recording by more than 95% in the light of two accredited lab test reports dated 14.11.2022 & 09.02.2023. Hence, the bill raised by the Respondent is correct and payable by the Appellant. Respondent was directed to waive off entire LPSC amount from the bill of the Appellant and allow him to pay the balance amount in easy instalments alongwith current dues.

6. The Appellant, dissatisfied with the above-said order, has preferred this appeal, reiterating his stand as before the Forum. The Appellant submitted that the instant appeal could not be filed within the stipulated period of 30 days as he was bedridden for more than one and a half years following a paralytic attack on 26.07.2023 and a cervical spine injury. Therefore, he requested the Ombudsman to condone the delay and consider the appeal on medical and humanitarian ground

The delay was condoned and the appeal was admitted on 29.05.2026.

The Appellant argued that the Respondent failed to bring any independent evidence on record to prove such exaggerated consumption of a domestic category connection. The claimed figure of 44,700 units is entirely imaginary and based on mere assumptions, especially since the actual average consumption at the premises, recorded by both the old and new meters, is approximately 500 units per month, resulting in an average monthly bill of approximately Rs.2,145/- per month. Furthermore, the newly installed meter recorded a total consumption of 2983.66 units during the subsequent six-month period from 08.08.2022 to 07.02.2023. The actual difference between the two recorded periods is only 1195 units (2983 units minus 1788 units). So, the bill ought to have been restricted to this actual differential of 1195 units, rather than an assumed 42912 units.

The Appellant has prayed for the following relief:

(i) Set-aside the impugned order dated 02.08.2024.

(ii) Waive off/set-aside the impugned bill raised by the Respondent against CA No.101231361 installed at his premises, or

(iii) Direct the Respondent to raise bill against the actual consumption of 1195 units for the period of six months from 07.02.2022 to 07.08.2022 instead of 42912 units as elaborated in the appeal.

(iv) Pass any other order which may deem fit and proper in his favour in the interest of justice.

7. The Respondent, in its written submission to the appeal dated 23.06.2026, reiterated the facts as placed before the CGRF-BYPL. The Respondent refuted all the allegations and arguments put forth by the Appellant in the appeal. Respondent submitted that the Appellant's authorized representative, Shri Saurabh Sharma, was present during the testing on 09.02.2023 and witnessed the proceedings without raising any objection. It was contended that the Appellant is now estopped from challenging the laboratory report at this belated stage. The Respondent further argued that the laboratory test conclusively established the meter was slow by approximately 96.812%, thereby recording less than the actual energy consumption. The laboratory findings were included tampered seals, unauthorized additional resistance, shorted neutral CT output wires, re-soldering marks on the PCB and

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meter. Consequently, the Respondent calculated the less recorded units by applying this percentage error in accordance with the statutory mechanism under Regulation 32 (7) of the DERC Supply Code, 2017. The Respondent argued that the Appellant cannot substitute this legal mechanism with a self-serving comparison of old and new meter readings, which cannot override the scientific laboratory findings. Accordingly, the Respondent asserted that the assessment of approximately Rs. 4,71,800/- was lawfully raised and should be payable.

The Respondent further submitted that subsequent to the addition of the assessment amount in the bill of March 2023, the Appellant continued to consume electricity but failed to clear the monthly regular consumption bills, leading to an accumulation of arrears which resulting in disconnection of supply on 22.12.2023. It was pointed out that the Forum has already granted substantial relief to the Appellant by directing a waiver of the LPSC and permitting payment through instalments. Furthermore, the Respondent placed on record a site inspection report dated 16.06.2026, along with photographs, showing that the subject premises comprises Ground Floor, First floor and Second Floor. At the ground floor, a Dhaba is running wherein the supply is being catered from another meter no.36025419. The Respondent further argued that the Appellant deliberately concealed the continuous consumption of electricity and subsequent defaults after the meter replacement, hence, the total outstanding dues against subject CA No. xxxxx1361 accumulated to Rs. 5,92,214/- as on 16.06.2026.

8. The Appellant, in his rejoinder to the aforesaid written submission dated 14.07.2026, reiterated the claims, contentions and prayer, as outlined above. The Appellant contended that the energy meter test report dated 14.11.2022 cannot be relied upon as the testing was neither witnessed by any independent witness nor conducted in the presence of the Appellant. It was further submitted that the Appellant had never authorised Shri Saurabh Sharma to represent him, but had instead appointed his counsel, Shri Nishikant Ray, as reflected in the CGRF's appearance vide order dated 02.08.2024. The Appellant argued that although a notice dated 06.08.2022 was served to him, intimating that the removed meter would be de-sealed in his presence on 23.08.2022 but no testing took place on the scheduled date. Instead, the meter was de-sealed and tested in his absence without any witness on 14.11.2022, leading to a strong probability that the report was prepared in connivance with the Respondent.

The Appellant further highlighted deficiencies that the Respondent initially got the meter tested through M/s Oorja Technical Services Pvt. Ltd. on 25.11.2022,

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which was not an accredited laboratory notified by the Commission under the DERC Order dated 06.12.2021. To rectify this deficiency, the Respondent suo moto re-tested the meter through a notified accredited laboratory, M/s Yadav Measurement Pvt. Ltd., without any request from the Appellant. It was contended that since the initial testing report was already disputed, the subsequent energy meter test report dated 09.02.2023 is not reliable. Even, the Respondent failed to explain the reason as to why the meter was re-tested. So, the Respondent violated statutory provisions under Regulations 32 (8) (i), and 32 (8) (vi) of the DERC Supply Code, 2017.

9. The date was fixed for hearing on 13.08.2026. During the hearing, both parties were present. An opportunity was given to both the parties to plead their respective case at length and relevant questions were asked by the Ombudsman, Secretary & Advisor (Engineering) to elicit more information on the issue.

10. During the hearing, the Advocate appearing for the Appellant reaffirmed the arguments and prayer made in the appeal and rejoinder. The Ombudsman highlighted that BYPL took over two and a half months to replace the burnt meter on 08.08.2022 after the Appellant lodged a phone complaint on 18.05.2022, even though the Appellant stated that a new meter was installed the next day. When questioned about these dates, the Advocate submitted that it is not in dispute that the burnt meter was replaced on 08.08.2022. However, he could not provide any response to justify the meter replacement on next date of 19.05.2022. Advocate relied on the written rejoinder to challenge the meter testing reports. He argued that the first test report dated 14.11.2022 is invalid under Regulation 32 (8) (i) of the DERC Supply Code, 2017, because a non-accredited laboratory, M/s Oorja Technical Services Pvt. Ltd., which was not notified by the DERC, de-sealed and tested the meter in the absence of Appellant. The Advocate contended that because the chain of custody was broken during the testing of the meter on 14.11.2022, the conclusive report of slowness in meter holds no evidentiary value and cannot legally prove any meter tampering. Furthermore, he stated that the ongoing proceedings regarding meter testing violated Regulation 32(8) (i) because the Appellant was not provided a fair opportunity to be present, which thus makes the second energy meter test report dated 09.02.2023 equally unreliable.

11. In response, the Advocate representing the Respondent reiterated the written submission. The Ombudsman asked which Regulation of DERC gives the power to the Respondent to test a meter through a non-accredited third party testing agency, in the absence of the Appellant, and without giving a second opportunity. The officer present could not answer. However, the officer argued that meters are usually tested

in the presence of the consumer but the Appellant failed to appear on 23.08.2022 despite receiving notice. Since the Appellant did not ask for a new date, the meter was tested on 14.11.2022 under Regulation 32 of the DERC Supply Code, 2017. The officer stated that the DAE case was dropped under Regulation 64 of DERC Supply Code. However, the Advisor (Engineering) clarified that when under Regulation 64, DAE case is dropped, no further proceedings are to be done, then how bill of assessment is rasied under Regulation 32 (7) of DERC Supply Code, Respondent could not give any convincing answer. However, to support the assessment bill, the officer present submitted photographs of faulty meter, vide Gunny Bag No. 950227, which showed tampering seals, such as "Two Extra Resistors Found Connected With Shunt Output Wire inside the Meter", "Neutral CT Output Wires Found Short on PCB", EL LED Found short on PCB", "Hologram Seal Found Duplicate" & "Resoldering Spots Found on PCB at Many Location". These photographs are taken on record. Officer present further contended that a recent site inspection showing only one meter supplying the premises. He reiterated that the final assessed bill raised in accordance with DERC Regulation is payable by the Appellant.

12. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

(i) As per DERC order dated 6.12.2021 Notification of laboratory for testing of tempered meter under DERC supply CODE 2017, M/s Oorja Technical Services Pvt LTD was not authorized to perform test of tampered meter from where Respondent got done testing on 14.11.2022. However M/s Yadav Measurement Pvt LTD was authorized to carry out testing of such meter.

(ii) M/s Yadav Measurement Pvt. LTD performed testing of same meter on 9.2.2023 in which meter found tampered & slow 97.83%. But nowhere DERC in its order dated 06.12,2021 & 07.07.2025 regarding testing of tempered meter, has given way forward for double testing of tampered meter.

(iii) The meter was burnt on 18.5.2022 and remained at site till 07.8.2022. It was replaced on 8.8.2022 as per billing chart which indicates that in this period supply was running directly and Respondent over delayed in replacement of Meter.

(iv) It is observed that, prima facie, the DAE case has been dropped by the Respondent under Regulation 64 of DERC Supply Code 2017 (Suspected Theft). It is evident from the records that when DAE case has been dropped tallying lab report with consumption, it is meaningless to consider same lab report for raising the bill of assessment treating 96% slow, nowhere in Supply Code 2017 such provision is given.

(v) During testing of faulty meter, proper procedure should have been followed by the Respondent in accordance with DERC Regulation. The Appellant should be again communicated properly for his availability in the next date of meter testing, if he was not present at 23.08.2022.

(vi) Moreover, for the assessment purpose, Respondent has considered Regulation 32 (2) (7) of Supply Code 2017 which is not applicable here as the Appellant never requested for testing of meter.

(vii) It is observed that the billing period from 18.05.2022 to 08.08.2022, during which the energy supply bypassed the meter and went unrecorded, must be assessed under Regulation 40 of the DERC Supply Code, 2017, which governs billing in cases of burnt meters. Since meter no.11528582 failed to record accurate consumption due to suspected tampering, the recorded consumption during this period shall be treated as absurd. The related period of previous is irrelevant and in such scenario, last condition is applicable, which states that 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.

(viii) As per billing chart submitted by the Respondent from 08.08.2022 to 28.08.2022, 2446 units are available.

(ix) In the light of the above, a revised assessment bill needs to be served to the Appellant based on the established daily average consumption for this unrecorded period. The consumption pattern on record from 08.08.2022 to 28.11.2022 shows a total consumption of 2446 units over 113 days, resulting in an average daily consumption of 21.65 units. This average be applied to the unrecorded period of energy consumption totalling 82 days from 18.05.2022 to 08.08.2022. Hence, an assessed bill for 1775 units is liable to be served to the Appellant in accordance under DERC Supply Code, 2017.

13. In the light of the above, this court directs as under:

(i) The order of the Forum is set-aside.

(ii) Respondent is directed to issue a revised bill of 1775 units to the Appellant within 07 days from the order. The Appellant is directed to pay the bill within 10 days upon receipt of the revised bill.

(iii) The compliance report be shared with this office within 30 days of the issue of this order.

14. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.

17.8.2026

(Ali Zamin)
Electricity Ombudsman
17.08.2026