

DELHI ELECTRICITY REGULATORY COMMISSION
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.

No. F.9(55)/DERC/2009-10/

In the matter of: Complaints of inflated billings for the months of June, July and August, 2009 issued by BRPL and BYPL.

And

In the Matter of:

1. The Chief Executive Officer,
M/s BSES Rajdhani Power Ltd.,
BSES Bhawan, Nehru Place,
New Delhi-110 019.
2. The Chief Executive Officer,
M/s BSES Yamuna Power Ltd.,
Shakti Kiran Building,
Karkardooma,
Delhi – 110092

Coram:

**Sh. Berjinder Singh, Chairman, Sh. Shyam Wadhera, Member &
Sh. Subhash R. Sethi, Member.**

ORDER

(Date of Order: 30.10.2009)

1. In the month of September, 2009 certain news items in leading newspapers reported receipt of inflated bills by consumers of the area of BRPL and BYPL. Taking suo moto notice of these reports, the Commission wrote a letter dated 4th Sep., 09 to BRPL and BYPL seeking information on the alleged inflated bills. The Commission also received several complaints from various consumers of BRPL/BYPL regarding receipt of inflated bills. Following sudden spurt in these complaints whether received in the Commission directly or from the office of CM, GNCTD or the Public Grievances Cell (PGC), a Special Cell was set-up by DERC for handling such complaints. To assist the Special Cell, BRPL and BYPL were requested to depute officers for analysis of the complaints. The Commission issued a Public Notice in leading newspapers of Delhi on 15.09.2009 as under:

“Attention: Electricity Consumers of BRPL and BYPL

*Taking note of media reports regarding receipt of inflated bills by some consumers of **BSES Rajdhani Power Limited (BRPL)** and **BSES Yamuna Power Limited (BYPL)**, DERC has set-up a **Special Cell** consisting of officers of the Commission and BRPL/BYPL to look into such complaints and to mitigate consumer grievance.*

In all cases where the consumption during July-August, 2009 has shown increase by more than 50 per cent over the consumption during July-

August, 2008, DERC has directed these Discoms to extend the last date for receipt of payment of bill till the inflated billing dispute is resolved.

The contact details of the **Special Cell** are as follows:-

Sh. Rajesh Dangi
Deputy Director (Consumer Assistance)
Phone No -. 26673276,
Fax No. - 26673608

Complaints relating to inflated billing can also be made on the following e-mails addresses:-

1. secyderc@nic.in 2. as@derc.gov.in 3. ddca@derc.gov.in

The **Special Cell** is located at the office of DERC."

2. The analysis of relevant billing data in respect of the complaints received was done along the following parameters:
 - i) month-wise units billed during calendar years 2008 and 2009 (upto August, 2009);
 - ii) analysis summary giving the total consumption in units during June, July and August, 2009 vis-à-vis June, July and August, 2008 alongwith deviation in percentage between same period of the two years;
 - iii) actual number of days billed during July, 2009 and the number of days billed during August, 2009 alongwith variation in percentage terms with reference to actual number of days billed during July, 2008 and August, 2008;
 - iv) month-wise consumption pattern expressed in the form of comparative line graph for the year 2008 and 2009(upto August, 2009); and
 - v) monthly maximum demand pattern.
3. BRPL and BYPL sent their replies on 7th Sep., 2009 in which they stated that during transition to SCN-ICU billing software, short consumption was charged from some of the three phase domestic consumers in July, 2009 and this had happened due to some technical glitch. Subsequently, a meeting was taken by the Hon'ble Chief Minister of Delhi on 12.09.09 attended by representatives of Discoms, RWAs, PGC, Delhi Govt. etc. Almost all the RWAs stated that a large number of bills received by their members were inflated and this needed to be investigated. Almost all the complaints of RWAs were against BRPL and BYPL. Chairman, PGC also mentioned a huge increase in the complaints against BRPL and BYPL regarding inflated bills and also about rampant corruption in these companies. It was agreed in the meeting to extend the last date for payment of August bills issued by BRPL and BYPL and DERC to appoint a team of experts to look into the

billing problems of BRPL and BYPL and to get the report of this Committee of Experts within 15 days.

4. The Commission, therefore, vide letter dated 17.09.2009, appointed Standardisation, Testing and Quality Certification (STQC), an autonomous body of the Ministry of Information Technology, Govt. of India as the investigating agency. The scope of the work of STQC for the first phase was as under:-

“Functional testing of billing software (regarding generation of inflated bills) currently operational in M/s. BSES Rajdhani Power Ltd. (BRPL) & BSES Yamuna Power Ltd. (BYPL) and verification of bills in respect of which complaints have been received so as to identify reasons for incorrect billing.”

STQC submitted its report to the Commission on 30.09.2009.

5. As there were a number of discrepancies observed by STQC which undermined the reliability and authenticity of the billing system of BSES companies, a Show Cause Notice dated 9th Oct., 2009 was sent to BRPL and BYPL enclosing a copy of the STQC report and highlighting the major discrepancies, observed by STQC in the billing system and directing them to show cause as to why suitable deduction should not be allowed to the consumers whose consumption for the month of June, July and August 2009 has shown abnormal increase as compared to their consumption during the month of June, July and August 2008. The excerpts of show cause notice are given below:

“In view of public outcry on inflated billing in respect of consumption for the months of June, July & August, 2009, the Commission appointed STQC as investigating agency to look into various aspects of inflated billing which large number of consumers of M/s BRPL/BYPL had to suffer. This investigating agency submitted its report to the Commission on 30th September, 09 (copy of the investigation report enclosed).”

Major discrepancies in the billing system of BRPL/BYPL as observed by STQC in its Investigation Report are as under:-

- a) *STQC checked 50 such bills where the consumption in units as per the bills of July and August, 2009 vis-à-vis July and August, 2008 had shown abnormal increase. STQC found that out of the 50 bills, Meter Reading Data (MRD) was missing for 35 bills for the month of July, 2009 and 37 bills for August, 2009. In the Annexure – “F” to the Report, STQC has given its observations on details of such 50 bills.*
- b) *The meter reading is supposed to be transferred from meter to Common Meter Reading Instrument (CMRI) by using automatic script. However, it was observed that this data can be transferred manually and the data transfer was actually done manually also.*
- c) *In the normal course data from meter is automatically read by CMRI and then it is transferred to Data Base. However, in this case*

data from meter was manually fed in CMRI instead of automatic transfer of data from meter to CMRI and such manually fed data was transferred from CMRI to Data Base (DB). STQC observed that the data validation which should have been done at field level could be skipped / ignored. As per BSES officials such data are flagged in the data so that it can be addressed later on. However, it could not be demonstrated by BSES. The workflow diagram provided by BSES was having missing steps such as download form – Y form from Reading Cycle Management (RCM) table to CMRI device and data upload from CMRI to RCM table etc.

- d) The Meter Reading Data (MRD) does not mention the current (i.e. meter reading) date.
- e) There was deviation in Maximum Demand (MD) value on meter (as seen on physical inspection) and as recorded in CMRI.
- f) As regards data accuracy at different stages of the bill generation software work flow, STQC has observed that SRS for billing software module was not provided by BSES and CMRI data was also missing in respect of sample bills and, therefore, the accuracy of data at different stages of work flow could not be verified. In respect of the 50 sample bills, the short billing done in the month of July, 09 could not be verified by tracking these cases through software. Meter Reading Data was not available to further cross check and analyse these cases.
- g) There is problem in software configuration management. The Load Data (LD) files are responsible for feeding the four parameters in the CMRI. The BSES team provided three different versions for the unique single LD file “NEW” and “OLD”. The load data files are supposed to be only one single unique file. All the details handed over were different in content. Print out handed over for “old” LD file was actually the detail of “new” LD file.
- h) It was noted while verifying the software workflow that the details of hardware and software used for EBS and SAP system provided was different from actual hardware and software deployed.
- i) STQC has also mentioned in its report that its team was not given several relevant documents and was not provided uninterrupted online access of the billing software. It was also observed by them that the details provided had missing information, overlapped bill dates and inconsistencies.

The observations of STQC very clearly point out several major discrepancies in the BSES system with the conclusion that the software used by them has the potential to affect the bill generation. The main explanation of BRPL/BYPL has been that the consumption by consumers had increased in the month of June, July and August, 09 as observed in MDI data available with BRPL/BYPL. However, this argument proves incorrect because STQC has very conclusively observed that there was deviation in maximum demand (MD) value on meter and as recorded in CMRI. Further, CMRI data is missing in most of the cases and the data transfer was done manually and there were several discrepancies in the software and its management.

In letter dated 05.10.2009, BRPL have mentioned that CMRI data is available only for approximately 36 days and the data of July and August 2009 is not available as more than 36 days have passed. This means that no bill for the period July and August 2009 can be verified for consumption with reference to CMRI data.

The Conclusion drawn by STQC regarding faults in the system is further illustrated from the fact that in one of the cases of complaint it has come to our notice that the date of bill generation reflected on the bill is 27.08.2009 whereas the bill shows meter reading of 29.08.2009, which is not at all possible (copy of the complaint is enclosed). This shows that there is problem in the system leading to faulty bill generation.

The STQC report and above mentioned facts make it obvious that the correctness of the Bills generated by your system is not verifiable. In the circumstances, there is no option but to give some relief to affected consumers on estimate basis.

You are, therefore, directed to show cause as to why a satiable deduction be not allowed to those consumers whose consumption for the months of June, July and August 2009, as appearing in the bills issued by you, has shown abnormal increase as compared to the consumptions for the months of June, July and August 2008.

Your reply should reach the Commission **by 15.10.09**".

6. BRPL and BYPL sent their replies to Show Cause Notice (SCN) vide letters dated 15.10.09 and 23.10.09. The gist of their main submissions is as under:-

A. The Commission does not have the jurisdiction to initiate proceedings against the Company and/or to order/allow deduction to consumers as the SCN dated 09.10.2009 issued to Company is bad in law. The appropriate forum for the consumers to agitate any abnormal increase in the bills, is the Grievance Redressal Forum established by Commission under section 42 of the Electricity Act, 2003 and in case the Grievance Redressal Forum does not redress the grievance of the consumer, the aggrieved consumer can approach the Ombudsman appointed or designated by the State Commission for appropriate relief. In its support the following case laws were cited:-

- (i) Dakshin Haryana Bijli Vitaran Nigam Ltd. v. DLF Services Ltd. reported as 2007 Aptel 356,
- (ii) Dakshin Haryana Bijli Vitaran Nigam Ltd. v. Princeton Park Condominium,
- (iii) BSES Rajdhani Power Ltd. v. Delhi Electricity Regulatory Commission and Anr, being Appeal No. 181/2008
- (iv) MSEDC v. Lloyd Steel Industries Ltd., reported as AIR 2008 SC 1042.

B. SCN issued by Commission is premature. It is a standard commercial practice that whenever an audit report is prepared, the draft of the same is shared with or communicated to the corporate body being subject to the audit. Thereafter, the Auditee is given an opportunity to give its

comments/observations on the draft of the findings by the Audit Team. Such comments/observations may or may not be accepted by the Audit Team but are incorporated and made a part of the final audit report by the Audit Team. Such practice is followed in the power sector too. In fact, the same process was followed in the case of the Company itself, in the past when this Hon'ble Commission in or around 2006 had appointed the same entity i.e. STQC to conduct an audit on functional testing of electricity billing system of the Company. However, in the instant case, STQC carried out an audit on Billing Software of the Company and a final report thereafter, was prepared by STQC and was forwarded to the DERC on 30.09.2009 without sharing/disclosing the content of the audit report with the Company.

C. As regards STQC report, their comments on main findings are as under:

Re: Meter Reading Data (MRD) was missing for 35 bills for the month of July, 2009 and for 37 bills for the month of August, 2009.

Since the Company as a matter of practice downloads only the information relevant for the generation of bills, the Company could not furnish information forming part of the MRD other than the billing information to the Audit Team. Billing information for all the 50 cases considered by the Audit Team is available with the Company and maybe verified by the Audit Team or the Commission.

Re: Meter reading can be transferred to Common Meter Reading Instrument (CMRI) manually and the data transfer was actually done manually also.

It is incorrect to conclude that merely because the system provides for an option of manual transfer of data in the event the automatic transfer is unavailable there is a potential for discrepancy. Instead, the Company verily believes that the option of a manual transfer is a sine-qua-non for the smooth functioning of the billing system in the event the automatic system is unavailable. For all the 50 cases examined by the Audit Team the transfer of data was done automatically except for one case in the month of June 2009 from the said sample.

Re: Data validation which should have been done at field level could be skipped/ ignored.

Currently the Company does not have any log or historical data reflecting the instances when such data alert was triggered in the CMRI. However,

the same does not indicate inconsistency/discrepancy in the billing system of the Company. In addition to the alert facility in the CMRI, the Company whilst generating a bill carries validation of the information collected at two levels i.e. pre audit and post audit verification. The three stages are reflected in the flowchart depicting the bill generation process followed by the Company. In view of the above, Company takes all the possible steps to ensure that the consumers are billed only for the quantum of power consumed by them and for nothing more or less.

Re: Meter Reading Data (MRD) does not mention the current (i.e. meter reading) date

Whenever the meter is read either through download or through manual transfer, the MRD date is captured. Thereafter, the MRD date and information is transferred to the back up system of the Company for the generation of the bill. The said information is available in the back up system of the Company.

Re: Deviation in Maximum Demand (MD) value on meter (as seen on physical inspection) and as recorded in CMRI

MD registered by the meter for the previous month is used for the purpose of generation of the bill. The online display on the meter indicates the running MD for the current month, whereas the CMRI are programmed in a way that they display the MD for the previous month. As the MD as displayed on the meter and as downloaded on the CMRI are for two different time spans, they may not necessarily be the same. MD is not used for the purpose of calculating the units consumed and therefore does not have any bearing on the bills generated by the Company for domestic consumers. MD is used primarily to ascertain the manner in which the consumer's load profile is changing against the sanctioned load and also against the MD for the previous month. Therefore, even assuming but not admitting that there is a deviation in the MD recorded in the CMRI and MD displayed on the meter, the same would have no impact on the bill generated by the Company.

Re: SRS for billing software module was not provided, CMRI data was also missing in respect of sample bills and short billing done in the month of July, 09 could not be verified by tracking these cases through software.

CMRI is a hand held device carried by meter reader for meter reading. Further, CMRI is reusable and has only limited storage capacity in it and

stores data for about 20-30 consumers. Once the storage capacity of the CMRI is fully utilized, the information is uploaded to the central database by the Company and the CMRI is used for fresh readings after clearing the old data. Therefore, the Company cannot retain the CMRI data in the CMRI itself. This in itself does not amount to any discrepancy in the billing system of the Company. Since the backup data is available in the central database of the Company, the Commission may verify the information from the Central Database.

Re: Problem in software configuration management. Three different versions of unique single Load Data (LD) files

It is denied that three different versions of the unique single LD files were provided by the Company to the Audit Team. The Company maintains and uses a single updated LD file. Older versions of the same file are maintained in the archives of the Company. The file that the Company uses for the generation of bills is the latest and the updated version of the same unique LD file. This process of updating the LD file is similar to that of any other ordinary Microsoft Word document file. For instance, whenever a Microsoft Word document is saved, the same mentions a time and date of creation of the document. Further, whenever there is a change in the contents of the document, i.e. when the document is updated, the time and date of the file are changed accordingly. Similarly, in case of an LD file, with each modification in the source code of the LD program, an executable file with a new version is generated i.e. as and when the same is updated, there is a change in the version of the same old file, which now becomes the new and the updated version of the same unique LD file. The Company only uses the latest version of the LD file for the purpose of bill generation. There is only one unique file that is the latest file and is still in use.

Re: Date of bill for the period of July-August, 2009 cannot be verified with reference to CMRI data as the same is not available since more than 36 days have passed.

CMRI is merely a hand held device used merely to transfer information from the meter to the billing system. Information/data is generally not saved in CMRI even for 36 days as stated by this Commission.

Commissions findings/views:

7. Regarding the jurisdiction issue, the licensees have contended that the issue of abnormal increase in billing is clearly an issue which is a dispute between the

consumer and the licensee and therefore the procedure contemplated U/s 42 of the Act needs to be necessarily complied with. According to them the appropriate authority which has jurisdiction in the matter is the Grievance Redressal Forum and thereafter the Ombudsman. The companies have cited case laws in their support. The Commission has perused the case laws cited and has carefully gone through the arguments put forward by the licensee. In this respect, the judgment of the Hon'ble Supreme Court in Maharashtra Electricity Regulatory Commission (MERC) Vs. Reliance Energy Limited and others (appeal no. 2846 of 2006) is more relevant. In this case the issue involved was similar as the MERC had sent a notice to all its licensees and made an enquiry from them with regard to raising of the bills on the basis other than the actual meter reading for the relevant period, when large variations in consumption were noticed, or for other reasons. The question before the Hon'ble Supreme court was: '**what is the power of the Commission and to what extent the Commission can issue directions.**' The Hon'ble court noted the provisions of section 128 (6) of the Act which read as under:-

"on receipt of any report under sub-section (1) or sub-section(5), the Appropriate Commission may, after giving such opportunity to the licensee or generating company, as the case may be, to make a representation in connection with the report as in the opinion of the Appropriate Commission seems reasonable, by order in writing –

- (a) require the licensee or the generating company to take such action in respect of any matter arising out of the report as the Appropriate Commission may think fit; or*
- (b) cancel the licence; or*
- (c) direct the generating company to cease to carry on the business of generation of electricity."*

The relevant portion of the judgement is reproduced as under:-

"A comprehensive reading of all these provisions leaves no manner of doubt that the Commission is empowered with all powers right from granting licence and laying down the conditions of licence and to frame regulations and to see that the same are properly enforced and also power to enforce the conditions of licence under sub section (6) of Section 128.

*Thus, in so far as the first contention of the learned counsel for the respondents that the Commission has no power is concerned, we are of the view that the same is wrong. **In this behalf the provisions of the Electricity Act 2003 are quite clear and categoric and Section 128 (6) empowers the Commission to get the conditions of licence enforced.** But the question is whether the said power Under Section 128 (6) has been rightly exercised by the Commission or not. After clearing the first hurdle, that the Commission has power to issue directions, we shall*

now examine whether the direction given by the Commission in the present case is correct or not.

When the Commission received a spate of complaints from consumers against its licencees/distribution companies that they are arbitrarily issuing supplementary/ amended bills and charging excess amounts for supply of electricity, it felt persuaded to invoke its general power to supervise the licencees/distribution companies and in that connection issued notice dated 3.8.2004. There can be no manner of doubt that the Commission has full power to pull up any of its licensee or distribution company to see that the rules and regulations laid down by the Commission are properly complied with. After all, **it is the duty of the Commission under Sections 45(5), 55(2), 57, 62, 86, 128, 129, 181 and other provisions of the Act to ensure that the public is not harassed.**

In exercise of this general power, notice dated 3.8.2004 was issued when mass scale supplementary/amended bills were issued to the consumers. When these consumers approached the Commission, the Commission directed its licensees to immediately review their billing policies and bring the same in conformity with the statutory provisions of the Act. The Commission did not get an investigation made under Section 128 (1) which it could have done, and without that, and without getting a report under Section 128 (5) it passed an order directing refund of the amounts collected by the licensees/distribution companies, which in our opinion was not permissible, since such a direction could, if at all, be given after getting a report of the investigation agency. The Commission could have made an investigation and got a report from the investigation agency and on that basis directions could have been given. However, that was not done. In these circumstances, in our opinion, the view taken by the Appellate Authority in the impugned order to that extent is correct that the individual consumers should have approached the appropriate forum under Section 42 (5) of the Act.

Thus while **we hold that the Commission has power to issue a general direction to licencees that they should abide by conditions of the licence issued by them and charge only as per the tariff fixed under the Act so that the public at large should not be harassed."**

8. The Hon'ble Supreme Court made very clear that after appointing an Investigating Agency and obtaining its report the Commission has power to issue a general direction to the Licensee. In the present case the STQC was appointed as an **investigating agency**. The appointment letter dated 17.09.2009 issued by the Commission reads as under:

"Delhi Electricity Regulatory Commission hereby appoints you as the 'Investigating Agency' and assigns you the task with the following scope of work to be completed in a time bound manner:

S. No.	Scope of Work	To be completed by	Remarks
1	Functional testing of billing software (regarding generation of inflated bills) currently operational in M/s BSES Rajdhani Power Ltd. (BRPL) & BSES Yamuna Power Ltd. (BYPL) and verification of bills in respect of which complaints have been received so as to identify reasons for incorrect billing.	Interim report- by 24.09.2009 Final Report - by 30.09.2009	First phase
2	Information Security Audit of Billing system.	To be completed by 30.11.2009	Second phase
3	Process Audit of Billing System.		
4	Non Functional testing of Billing System.		

You are requested to kindly depute a dedicated team to carry out the assignment in co-ordination with the following officials from DERC:

- (i) Mr. B. K. Jain, Joint Director (Tariff - Engg.)*
- (ii) Mrs. Vaishali Rana, Deputy Director (IT)*

The terms and conditions for the assignment may please be sent."

9. It is seen that the STQC was appointed as an investigating agency to investigate and identify reasons for incorrect billing and, therefore, based on the report of the investigating agency the Commission is empowered to issue directions so that the public at large should not be harassed. The contention of the licensee that the Commission has no jurisdiction in the matter cannot be accepted in the view of the judgment of the Hon'ble Supreme court cited above.
10. Further, the report submitted by STQC for Phase 1 is an investigation report. It is not an audit report, notwithstanding the title of the report. The appointment letter issued on 17.09.2009 by the Commission very clearly mentions that "Delhi Electricity Regulatory Commission hereby appoints you as the Investigating Agency". Therefore, it is improper for the licensee to equate the investigation report with the audit report and to say that such audit report cannot be prepared without sharing and disclosing the contents thereof with the company. In any case the investigation report of STQC was also sent by the Commission to the licensee for its comments. Therefore, there is nothing improper in placing reliance on the report submitted by the STQC. The licensee has also relied on the past practice in respect of STQC Audit Report of 2006 and has mentioned that the same was not followed this time while finalizing the report by STQC. It is relevant to point out that the Audit Report prepared by the STQC in 2006 was not an investigation report. In 2006 the scope of work was merely to conduct

functional testing, information security audit and process audit, whereas as per the Commission's letter dated 17.09.2009 STQC as the investigating agency was to conduct 'functional testing of billing software (regarding generation of inflated bills) currently operational in M/s BSES Rajdhani Power Ltd. (BRPL) & BSES Yamuna Power Ltd. (BYPL) and **verification of bills in respect of which complaints have been received so as to identify reasons for incorrect billing in the first phase.**' It is very clear that this scope of work is entirely different from that of 2006. Accordingly, it is misleading on the part of the licensee to say that STQC is not an investigating agency.

11. As regards STQC's main findings, our comments are as under:-

- a) **Meter Reading Data (MRD) was missing for 35 bills for the month of July, 2009 and for 37 bills for the month of August, 2009:** STQC has given a clear finding that such data was not made available to them. Therefore, it is not correct to say that the team was satisfied with the same. Moreover, in a separate letter dated 05.10.2009 sent to the Commission, BRPL has stated that *"approximately 36 days data will be available while downloading the meter through CMRI, which may not contain the data of July/August, 09 as more than 36 days have passed for this period."* It is noticed that on the one hand the Licensee is saying that MRD is available and on the other hand it has intimated the Commission that the data of July and August, 2009 was not available for verification. Both statements contradict each other.
- b) **Deviation in Maximum Demand (MD) value on meter (as seen on physical inspection) and as recorded in CMRI:** In the explanation given by the Licensee to justify the inflated billings it has very clearly stated that in all such cases the MD was higher and, therefore, the consumption was also higher. Now in the reply to the Show Cause Notice the Licensee is saying that *"even assuming but not admitting that there is a deviation in the MD recorded in the CMRI and MD displayed in the meter, the same would have no impact on the bill generated by the Company."* Both statements are contrary to each other. Moreover, the observation of STQC was entirely different saying that on spot inspection, it was found that MD recorded by CMRI was different from MD value on meter. If this is correct then this has impact on the authenticity of the data recorded itself.
- c) **Three different versions of unique single Load Data (LD) files:** On the one hand the Licensee is denying existence of 3 different versions of single LD files whereas on the other hand it is describing the nature of 3 LD files in order to justify that 3 different versions really existed as observed by STQC but only one was used. It is immaterial whether the Licensee claims now that there is only

one LD file in use because the fact remains that 3 LD files existed as reported by STQC and this does create doubts regarding authenticity of the billing software.

12. We have also looked into some broad aspects of the detailed statistical analysis of complaints handled by the Special Cell set-up by DERC as reflected in the following tables:-

Table 1-A
Inflated billing complaints (BYPL) as on 26-OCT-2009

Details	BYPL			
	SLCC (Sanctioned load ≤11 KW or Single Phase)	MLCC (Sanctioned load >11 KW or 3 Phase)	KCC (Sanctioned load ≥45 KW)	Total
Total Complaints Received	335	106	0	441
Complaints received from single source	305	68	0	373
Duplicate/ Multiple Complaints	30	38	0	68
Complaints showing increase of > 50 % in consumption during Jul-Aug,2009 vis-à-vis Jul-Aug,2008	117	18	0	135

Range wise	CONSUMPTION > 50 %			
Between 51 to 100 %	64	15	0	79
100 to 200 %	27	2	0	29
200 to 500 %	13	0	0	13
500 to 1000 %	2	1	0	3
>1000 %	11	0	0	11

Table 1-B
Inflated billing complaints (BRPL) as on 26-OCT-2009

Details	BRPL					Total of BRPL & BYPL
	SLCC (Sanctioned load ≤11 KW or Single Phase)	MLCC (Sanctioned load >11 KW or 3 Phase)	KCC (Sanctioned load ≥45 KW)	Total		
Total Complaints Received	512	660	10	1182		1623
Complaints received from single source	479	591	10	1080		1453
Duplicate/ Multiple Complaints	33	69	0	102		170
Complaints showing increase of > 50 % in consumption during Jul-Aug,2009 vis-à-vis Jul-Aug,2008	263	209	3	475		610

Range wise						
Between 51 to 100 %	108	138	1	247		326
100 to 200 %	86	41	2	129		158
200 to 500 %	40	19	0	59		72
500 to 1000 %	16	6	0	22		25
>1000 %	13	5	0	18		29

TABLE: 2 A
Area wise distribution of complaints (BYPL) as on 26-OCT-2009

	Division	SLCC (1 Phase)	MLCC (3 Phase)	KCC (45KW)	Grand Total
BYPL	CHANDNI CHOWK	4	2		6
	DARYA GANJ	9	2		11
	PAHAR GANJ	12			12
	SHANKAR ROAD	52	20		72
	PATEL NAGAR	17	3		20
	JHILMIL	22	18		40
	DILSHAD GARDEN	26	2		28
	KRISHNA NAGAR	26			26
	LAXMI NAGAR	56	51		107
	MVR I&II	35	3		38
	MVR III	45	5		50
	YAMUNA VIHAR	16			16
	KARAWAL NAGAR	7			7
	NANDNAGRI	8			8
	TOTAL	335	106	0	441

Table 2B

Area wise distribution of complaints (BRPL) as on 26-OCT-2009					
	Division	SLCC (1 Phase)	MLCC (3 Phase)	KCC (45KW)	Grand Total
BRPL	ALAKHNANDA	21	91		112
	KHAN PUR	3			3
	SAKET	45	158		203
	VASANT KUNJ	141	22		163
	NEHRU PLACE	25	102		127
	NIZAMMUDIN	20	46	1	67
	SARITA VIHAR	22	24	2	48
	R.K. PURAM	18	38	4	60
	HAUZ KHAS	56	97	2	155
	JANAKPURI	49	27	1	77
	NAJAFGARH	5			5
	NANGALOI	5	6		11
	PUNJABI BAGH	17	38		55
	TAGORE GARDEN	9	2		11
	VIKAS PURI	24	6		30
	PALAM	26	3		29
	DWARKA	26			26
	TOTAL	512	660	10	1182
	Grand Total (BYPL &BRPL)	847	766	10	1623

The Commission has forwarded all complaints received to BRPL & BYPL.

13. Further the consumption pattern in respect of each complainant seen over the past 2 years shows that **in many cases there was hardly any justification for the bill during July-Aug, 2009 having gone up by more than 50% with reference to bill for July-August, 2008. Maximum Demand Indicator (MDI) also cannot corroborate the high billing in most cases** as it presents only the Maximum Demand recorded at a certain point of time during a day in the billing cycle and does not confirm the uniformity of consumption during the entire billing cycle.
14. Both BRPL and BYPL have argued that the alleged inflated billing is not across all consumers registered with them in their distribution area but this issue arose only in respect of whole current three phase meter domestic consumers. In the case of BRPL, the company has stated that out of total 86860 whole current three phase meter consumers only 59059 consumers form part of the domestic category. In the case of BYPL, it has been mentioned that out of total 30700 whole current three phase meter consumers only 10671 consumers form part of the domestic category. However, the complaints received by the Commission from different sources indicate that out of 1623 complaints, 847 complaints, received till 26.10.2009, pertain to single phase and balance was in respect of three phase meter consumers. Thus, the contention of the Licensee is incorrect that the affected consumers belonged only to three phase meters. In fact, a substantial number of domestic consumers of single phase meter were also affected.
15. In the light of above discussions and STQC findings that discrepancies observed in the software have the potential to affect the bill generation, the Commission holds that BRPL and BYPL have failed to prove beyond doubt the authenticity of the alleged inflated bills. It is not possible to ascertain the actual variation in bills, if any, due to defects in the software and the fact that all relevant data is not available now. However, what is of utmost importance is the accuracy of the meters installed at the premises of the consumers.
16. The Commission has already started onsite testing of meters of some of the consumers, who have filed complaints, on a sample basis, by Central Power Research Institute (CPRI), Bangalore to ascertain accuracy of the meters. This exercise will cover approximately 100 to 150 meters within a period of one and a half month. However, such testing needs to be done in the case of each and every meter complained against and to the satisfaction of the consumers concerned. In the circumstances, the Commission considers that it will be appropriate to install check meters in series at the premises of all those

consumers who have filed complaints relating to inflated billing in any forum like the Licensee, DERC, CM's Office, PGC etc. The reading of such check meters, over a longer period of time, say 4 to 6 months, will help in determining, to the satisfaction of the consumers, the accuracy of the meters. Accordingly, the Commission directs **both BRPL and BYPL to install such check meters in the premises of all such aggrieved consumers by 30th November 2009 and these would remain installed till 30th April 2010. The results of check meters will be analysed by the Licensees after 30th April 2010 and if the variation is more than the permitted tolerance limit, such meters would be considered to have given incorrect readings and the bills of the consumers shall be adjusted suitably.** Such adjustments will be done by 31st May, 2010 and all such aggrieved consumers will be sent a report by the DISCOM concerned. However, since there is a possibility of inaccurate bills raised in cases of some consumers, the Commission considers that it would be appropriate to charge the consumers who have complained against high billing in the months of June/July/August, 2009, on a provisional basis, for these months. Considering that the summer of 2009 was rather severe as compared to the summer of 2008, the Commission directs that the consumers under reference be provisionally charged for the months of June/ July/ August, 2009 at 30% more than the consumption for these months in 2008 or actual whichever is less pending raising of a final bill in May 2010 on the basis of reading and analysis of the check meters installed at the premises of these consumers.

17. It is also made clear that if the final revision of bills after 30th April 2010 shows that faulty bills were generated then the difference between bills raised and adjusted bills shall be booked to the Discoms' account.
18. As regards the discrepancies in the billing software pointed out by STQC, BRPL and BYPL are directed:
 - (a) to get all discrepancies rectified within one month under confirmation to the Commission.
 - (b) to ensure that the pre-audit and post-audit check, if a bill shows consumption in excess of 50% over previous billing period, must be done before issue of such bill.

Sd/-
(Subhash R. Sethi)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN