

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar,
New Delhi – 110017

No. F. 11(846)/DERC/2012-13/3643

Petition No. 41/2012

In the matter of: Petition under Section 142 of the Electricity Act, 2003

In the matter of:

Ajit A A Tirkey
RZ-326-A, Gali No.16, Phase-1
Durga Vihar,
Najafgarh
New Delhi-110043

...Petitioner

Versus

M/s BSES Rajdhani Power Ltd.
Through its: CEO
BSES Bhawan
Nehru Place
New Delhi-110019

...Respondent

Coram:

Sh. P.D. Sudhakar, Chairperson & Sh. J.P. Singh, Member.

Appearance:

1. Petitioner in person;
2. Sh. Rahul Malhotra, Counsel for the Respondent;
3. Sh. Manish Srivastava, Advocate for Respondent;
4. Sh. Chiranjilal, DGM of Respondent;
5. Sh. P.K. Gupta, Manager (Legal) of Respondent;
6. Sh. Mahender Pal, DGM (Finance) of Respondent;
7. Sh. Youdhveer Singh, DGM (O&M) of Respondent.

ORDER

(Date of Hearing: 20.03.2014)

(Date of Order: 07.04.2014)

1. The instant case has been instituted on a reference from the O/o The Electricity Ombudsman u/s 43(3) of the Electricity Act, 2003 vide his Order dated 18.07.2012 in an appeal No. F. ELECT/Ombudsman/2012/471 titled Shri Ajit A A Tirkey vs. BSES Rajdhani Power Ltd., wherein it was held that it appeared to be a particularly bad case of failure by the Respondent to provide supply to a genuine consumer, in time.

2. The Petitioner is a resident of RZ-326A, Gali no. 16, Phase-I, Durga Vihar, Najabgarh, New Delhi – 110043. As per his statement electric supply to his premises was snapped and could not be restored for 1 year and 4 months. In this regard he had filed a complaint with the CGRF-BRPL for non - supply of electricity to him despite repeated request since 07.07.2010. The CGRF-BRPL passed an order granting a compensation of Rs.10,000/- as the complainant remained without electricity for one year and four months from 07.07.2010 till 07.11.2011.
3. The Petitioner was not satisfied with the order of CGRF-BRPL and filed an appeal before the O/o The Electricity Ombudsman for enhancement of compensation from Rs. 10,000/- to Rs. 50,000/-. The Ombudsman, vide its order has enhanced the compensation from Rs. 10,000/- to Rs. 25,000/- and the matter was referred to DERC in terms of Section 43 (3) of the Electricity Act, 2003, as the Respondent failed to provide supply to a genuine consumer, in time.
4. The Petitioner stated that the fact that he remained without electricity for one year and four months has also been proved before the CGRF as well as Electricity Ombudsman.
5. A show cause notice dated 26.07.2013 was issued to the Respondent, which was replied by the Respondent on 24.09.2013.
6. The Respondent submitted that the electric supply to the petitioner was restored and thereafter the supply was not disrupted and if the Petitioner was not using electricity it was his own volition for which Discoms may not be held responsible. The Respondent again insisted that there was electricity supply to the applicant premises and he was paying the bills for the electricity consumed by him.
7. The Commission had directed the Respondent to submit the bills for the period (July 2010 to November 2011) under dispute to establish that there was uninterrupted power supply to the Petitioner.

8. However, the Respondent could not submit copies of the bill for the entire period from July 2010 to November 2011 and could submit copies of the bill for the month of June 2011, August 2011, September 2011 and November 2011 only. The Respondent has also submitted a statement in Tabular form showing the bill details w.e.f. July 2010 to November 2011.
9. The matter came up for final hearing today i.e. 20.03.2014, wherein the petitioner himself and the Respondent through its counsel submitted their arguments.
10. The Respondent objected to the claim of the Petitioner that he remains without electricity for one year and four months. It was questioned by the Respondent that why the Petitioner was regularly paying the bills for the period during which he was without electric supply. The Respondent argued that the complaint was received on 10.09.2010 and the electric supply to the Petitioner premises was restored on 17.09.2010 and there was no interruption thereafter; and the claim of the Petitioner is without basis. The Respondent also argued that since the cable was damaged at several places, it was beyond the control of the Respondent to repair the same within 6 hours and the delay was neither intentional nor deliberate but due to extent of work required.
11. The Petitioner submitted that he continued to pay the bill raised by the Respondent because in order to remain a consumer it is necessary that a person must regularly pay the bill raised by the Discom. And only a consumer is entitled to file a case before the CGRF or the Ombudsman and get any relief.
12. From the scrutiny of the bills as submitted by the Respondent, it is observed that even after 17.09.2010, the date on which as per claim of the Respondent, the supply was restored, not a single unit was recorded as consumed for a period from 3rd March 2011 till 5th July, 2011. Moreover, in the bill for the period from 7th September 2011 to 25th November 2011, a consumption of 69 units has been indicated, however, from the copy of the bill it is observed that no reading was done to arrive at the

consumption of 69 units. This could not be explained by the Respondent. From the chart, it may also be observed that there was no consumption of even a single unit from November 2010 to July, 2011 (8 months). It is highly unlikely that not a single unit consumption is recorded in 8 months, when electric supply is intact.

13. After analyzing the documents and submissions made by the parties the Commission is of the view that the Respondent has failed to substantiate its claim that the electric supply to the premises was restored and thereafter it was not snapped. Rather it is evident that there was no supply of electricity to the premises of the Petitioner for months together due to service line broken/service snapped from the pole and the Respondent failed to restore it within stipulated time of Guaranteed Standards of Performance. Section 64 of DERC Supply Code, 2007 provides for Guaranteed standards of performance as follows:

"The Standards specified in the Schedule - I shall be the Guaranteed Standards of Performance, being the minimum standards of service that a Licensee shall achieve, and the Standards specified in the Schedule-II shall be the Overall Standards of Performance which the Licensee shall seek to achieve in the discharge of his obligations as a Licensee."

The schedule '1' provides that service line broken from the pole shall be repaired within 6 hours or within 12 hours for urban area or rural areas respectively.

14. It has now been established that the Respondent has failed to adhere to the Guaranteed Standard of Performance and has thus violated provision of DERC Supply Code & Performance Standards Regulation, 2007, continuously for months together. For the aforesaid violation the Commission imposes a penalty of Rs. 25 Thousand on the Respondent which has to be deposited within one month of the order.
15. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson