

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

F.7(24)/DERC/2006-07/25/

In the matter of:

Sh. Ajudhia Nath Talwar,
28/28, East Patel Nagar,
New Delhi-110008.

...Complainant

VERSUS

BSES Yamuna Power Limited,
Through its: **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi-110092.

...Respondent

Coram:

Sh. Berjinder Singh, Chairman & Sh. K. Venugopal, Member.

Appearance:

1. Sh. K. Chopra, Representative on behalf of the Complainant.
2. Sh. Rajeev Ranjan, Asstt. Manager, BRPL.
3. Sh. M.L. Meena, BM (D) PTN.
4. Sh. Abhishake Jain, CO(D) PTN.

ORDER

(Date of Hearing: 02.08.2007)

(Date of Order: 13.08.2007)

1. The instant case has come to the notice of the Commission through the Grievance Redressal Officer of the Commission, wherein Sh. Ajudhia Nath Talwar, R/o 28/28, East Patel Nagar, has expressed his anxiety over the huge bill which was raised by the BSES Yamuna Power Ltd. It was stated that BSES Yamuna Power Ltd. had raised a bill of Rs.24,490/-, demanded the payment and sent a notice that in case of failure to pay, the power connection would be disconnected. The Complainant thereafter made the payment under protest and followed up with the Licensee stating that his average consumption of past so many years have never exceeded 100 units per month and therefore, such a huge demand was not legitimate.

2. The Discom having realised the mistake subsequently afforded a credit of Rs.29,696/- and raised a debit of Rs.5952/- in a revised bill for the period from March, 2006 to February 2007. The Complainant requested to refund the excess

amount paid by him but, the same was refused by the Discom stating that it was not a part of the prevailing policy of the company. It was stated by the Discom that they would give credit and adjust the amount in subsequent bills.

3. Sh. Rajeev Ranjan, Asstt. Manager, appearing on behalf of the Licensee, stated that it is a part of their prevailing policy that whenever such excess amount is paid, the same is to be adjusted in the future bills.

4. The Commission is appalled to hear such a statement from the representative of the Licensee that the Company is pursuing a policy which is contrary to the provisions of Clause (6) of Section 62 of Electricity Act, 2003, which provides that :-

"If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the Licensee."

5. The provisions aforesaid are very clear and it is an admitted fact that the Licensee had raised the bill beyond what was due from the Complainant, as a result, they have also agreed to give credit in the subsequent bills. The present practice of the Licensee being contrary to the provisions of the Act is not sustainable. Therefore, the Licensee is directed to refund the excess amount forthwith alongwith interest equivalent to the Bank rate i.e. 6% per annum (as determined by the Delhi Electricity Supply Code Performance Standard Regulations, 2007 in case of Security Deposit) within 3 weeks from the date of issue of this order. It is further directed that the Licensee shall review the existing policy and bring it in line with the provisions of the Act and report compliance to the Commission within a period of six weeks from the date of this Order. Any such violations in future will be viewed seriously warranting action of the Commission under applicable provisions of the Electricity Act, 2003.

6. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN