

DELHI ELECTRICITY REGULATORY COMMISSION

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11 (1141)/DERC/2014-15/4437

Petition No. 45/2014

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

And

In the matter of:

Atique Ahmad
H. No.10- B/14,
Bajrang Bali Mohalla,
Maujpur, New Delhi – 110053

.....**Complainant**

VERSUS

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi – 110092

.....**Respondent**

Coram:

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

Appearance:

1. Shri Nirmal Kumar, on behalf of the Petitioner.
2. Shri I U Siddiqui, Legal Officer, BYPL.
3. Shri Dinesh Kumar, DGM, Enforcement, BYPL.
4. Shri Manish Srivastava, Advocate for Respondent.

INTERIM ORDER

(Date of Hearing: 16.07.2015)
(Date of Order: 27.07.2015)

1. The instant petition has been filed by Shri Atique Ahmad under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down in the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. In his petition, the Petitioner has alleged that the specific procedure has not been followed by the Complainant while booking a DAE case. He has alleged that he had made a complaint of burnt meter, which was not

replaced and instead a theft case was booked against him in violation of Regulations that in case the meter is found burnt upon inspection by the Licensee on consumer's complaint or otherwise, the Licensee shall restore connection in six hours upon receiving the complaint by bypassing the burnt meter after ensuring that necessary corrective action at site is taken to avoid future damage. New meter shall be provided by the Licensee/consumer, as the case may be, within three days.

3. A notice of the petition was issued on 14.08.2014 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 11.11.2014, whereby they denied the allegations made in the petition and requested the Commission to dismiss the petition on the following grounds:
 - i. The Commission has no jurisdiction to adjudicate the complaint relates to theft of electricity which is to be adjudicated by the Special Court. The Commission has no jurisdiction to entertain individual dispute between the Licensee and the Consumer.
 - ii. It has denied all allegations made by the Complainant.
5. The matter was listed for hearing on 16.07.2015, wherein the Counsel/representatives of both the parties were present. The Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission is of the opinion that the petition may be admitted as the Respondent prima-facie appears to be responsible for the following violations:-

a) Violation of Regulation 40 (a) of DERC Supply Code, 2007

Regulation 40 (a) provides that:-

In case the meter is found burnt upon inspection by the Licensee on consumer's complaint or otherwise, the Licensee shall restore connection in six hours upon receiving the complaint by bypassing the burnt meter after ensuring that necessary corrective action at site is taken to avoid future damage. New meter shall be provided by the Licensee/consumer, as the case may be, within three days.

The Commission observed that as per Regulation, it is mandatory on the part of the Respondent to change / replace the burnt meter within three days. In the instant case, the respondent has not changed/replaced the same in time. Further, the specific procedure has not been followed by the Respondent while booking a DAE case. Hence, it appears that the Respondent has contravened the provisions of Regulation 40 of DERC Supply Code, 2007.

b) Violation of Regulation 40 (c) of DERC Supply Code, 2007:-

Regulation 40 (c) provides that:-

*In case the meter is found burnt and there is reason to believe that an official of the Licensee gave a direct connection, **pending replacement of meter, a case of theft of energy shall not be booked.** Consumer's complaint for replacement of burnt meter or the complaint regarding disruption in supply of energy shall be considered sufficient for this purpose. In case a consumer hinders replacement of burnt meter or does not intimate the licensee, the drawl of energy under such circumstances shall be dealt as per Part XIV of the Act.*

The Commission observed that as per Regulation, pending replacement of meter, a case of theft of energy shall not be booked. However, in the instant case, the respondent has booked a theft case Pending replacement of meter. Hence, it appears that the Respondent has contravened the provisions of Regulation 40 (C) of DERC Supply Code, 2007.

6. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations should not be taken against it. The Respondent is directed to file its reply within two weeks with service of a copy to the Petitioner. The Petitioner has also been given liberty to file rejoinder, if any, within a week of above filing.
7. Take notice that in case the Respondent fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Respondent has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.

8. The next date of hearing shall be intimated to the parties in due course.

9. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson