

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

Petition No. 36/2007

In the matter of:

Ms. Dimple Gera
J-126, Vikas Puri
New Delhi – 110 018.

...Complainant

VERSUS

BSES Rajdhani Power Ltd.,
Through its: **CEO**,
BSES Bhawan, Nehru Place,
New Delhi – 110 019.

...Respondent

Coram:

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

Appearance:

1. Col. R. Tandon, OSD-BRPL;
2. Sh. K. P. Singh, ALO;
3. Sh. V. K. Goel, Advocate for the Petitioner;
4. Sh. G. B. Singh, BM, VKP;
5. V. K. Manghani, Advocate for the Petitioner;
6. Sh. N. K. Gupta, Addl. Manager.

ORDER

(Date of Hearing: 27.03.2008)
(Date of Order: 16.04.2008)

1. The parties present.
2. The present complaint has been filed under Section 142 of the Electricity Act, 2003. The Complainant has submitted that he had an electricity connection no. 26500C060026 having sanctioned load of 11kW and applied for the enhancement of load from 11kW to 22kW on 10.08.2005 but, the Respondent Licensee did not take any action on his request. Therefore, again he applied on 26.05.2006 for the additional load. This time also the Respondent did not take any action. However, the Complainant was asked to deposit a sum of Rs. 21,000/- on 24.04.2007 after a lapse of one year from the date of second application. Thereafter, the Respondent carried out an inspection of the electricity connection installed at the premises of the

Complainant where all the seals were found intact and O.K. However, the meter was wrongly declared as slow by 60.51%.

3. The Respondent in its reply has submitted that during inspection the connected load at the installed connection was found to be 24.52 kW (NX) against the sanctioned load of 11kW and further, it was being used by a school named **My Kind of Playway School** for non-domestic purpose. The Respondent also checked the accuracy of the three phase whole current electronic meter and the meter was found to be slow by (-60.57%). The meter was also not recording energy on B phase. Accordingly, a meter report was prepared at site on 04.10.2006 and pasted on the meter box to maintain status quo. Therefore, on the basis of the inspection report, an assessment bill for an amount of Rs. 1,80,418/- was raised in accordance with Regulation 19(c) of DERC (Performance Standards – Metering & Billing) Regulations, 2002.
4. Sh. V. K. Goel, the Counsel for the Petitioner, submitted that there is a clear deficiency of service as well as violation of Regulation 19(i)(d) of the DERC (Performance Standards – Metering & Billing) Regulations, 2002. He further submitted that the accuracy of the meter was also not checked properly as has been prescribed by the DERC. To test the meter accuracy the meter should have been tested atleast for one hour but, in the instant case, the meter was checked only momentarily and was declared slow.
5. Sh. G. B. Singh, BM-VKP, submitted before the Commission that the meter was duly tested and even the inspection report was prepared at site wherein, the meter was found slow by -60.57%. He further submitted that the load had been enhanced and the new cable in commensuration with the enhanced load had been replaced immediately.
6. During the course of hearing and also the pleadings of the parties, two issues were raised, which deserve consideration of the Commission:
 - (i) Whether there is delay in enhancement of load on the part of the Respondent?
 - (ii) Whether the testing of the meter was done properly?

7. As regards the first issue, the Commission inquired from the Respondent and asked to establish that the Complainant was duly informed for depositing the requisite amount for the enhancement of load. The Respondent could not submit or show any proof to establish this fact except saying that the Complainant was informed on telephone. Even to support this, no evidence could be produced by the representative of the Respondent Licensee. It appears to be a case of unprecedented delay in terms of DERC (Performance Standards – Metering & Billing) Regulations, 2002. The Respondent Licensee was supposed to issue a dated receipt of the request of the applicant and deficiency in the application was to be informed in writing within seven days of the receipt of the application. The Respondent, in the instant case, did nothing on the first application dated 10.07.2005 for enhancement of load and even on the second application moved on 26.05.2006, no immediate action was taken. It is a clear case of deficiency in service, in violation of Regulation 9 read with Regulations 3 & 4 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002.
8. On the second issue also, the representative of the Respondent could not substantiate the contention that the meter was duly checked and was put to testing for 1kWh before it was declared slow by –60.57%. On both the issues, the deficiency in service on the part of the Respondent Licensee is quite evident. Moreover, it has been admitted by the representative of the Respondent that the meter in dispute was installed on 29.08.2003 which was having the consumption pattern of 770 units per month and the present new meter installed on 12.01.2007 is also recording the consumption of approximately 770 units per month. Therefore, it seems to be a fit case where the bill raised by the Respondent requires to be quashed and a penalty also leviable for deficiency in service.
9. In view of the above, the Commission decides to quash the bill for an amount of Rs. 1,80,418/- dated 12.07.2007 raised by the Respondent Licensee with a further direction to raise an appropriate revised bill. The Respondent Licensee is also imposed a penalty of Rs. 10,000/- to be deposited with the Commission for deficiency in service in violation of the Regulations as mentioned above.

10. The Respondent Licensee will implement this order and submit compliance report within 4 weeks from the date of receipt of this order.

11. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN