

Delhi Electricity Regulatory Commission

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

F.11 (1190)/DERC/2014-15

Petition No. 10/2015

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

And

In the matter of:

M/S Electrosark

A-123, Okhla Industrial Area, Phase II

New Delhi -110020

.....**Complainant**

VERSUS

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 & Sh. B.P. Singh, Member

Appearance:

1. Shri V.K Goel, Counsel for the Petitioner;
2. Shri O.P Madan, Counsel for the Petitioner;
3. Shri Inderjeet Garg, Authorised Representative;
4. Shri Manish Srivastava, Advocate for Respondent.
5. Shri P.K. Gupta, Manager, BRPL.
6. Shri S. Bhattacharya, DGM Enforcement, BRPL.

ORDER

(Date of Hearing: 14.05.2015)

(Date of Order: 25.05.2015)

1. The instant petition has been filed by M/s Electrosark against the Respondent Company under Section 142 of the Electricity Act, 2003 for violation of the Tariff, DERC regulations and DERC Order dated 13.12.2006.
2. In his petition, the Petitioner has prayed for the following:
 - i. To penalize the Respondent, in terms of Section 142 of the Electricity Act, 2003 and the demand raised on account of assessment may

- kindly be quashed and to restrain the respondent from disconnecting the supply.
- ii. To direct the respondent to refund the excess amount claimed from the complainant.
 - iii. To direct the Respondent to pay compensation to the Petitioner.
3. Notice of the petition was issued to the respondent on 06.02.2015 to file its reply. The respondent filed its reply on 26.03.2015.
4. The matter was listed for hearing in the Commission on 15.05.2015, which was attended by the petitioner and Counsels/representatives of the Respondent.
5. During the hearing, the Counsel for the Petitioner submitted that vide Order of the Commission dated 13.12.2006, the Respondent was asked to keep in abeyance the impugned bill amounting to Rs. 48,20,067/- the meter was to be examined and the Report was to be obtained from the expert. The Counsel for the Petitioner further submitted that the Respondent, in total disregard of the Order of the Commission has raised the bill of Rs. 2,42,69,038/-(Rs. 48,20,067/- + LPSC Rs. 1,94,48,971) along with a disconnection notice despite the fact that the Meter was not got tested even after 9 years of the Order. He further submitted that it is questionable whether testing of a meter, which is hanging idle at site for 9 odd years would serve any purpose.
6. The Respondent submitted that it was due to computer snag that the impugned bill was raised and now in compliance of the Commission's order dated 13.12.2006, the assessment bill AGENR251020060017 amounting Rs. 48,20,067/- has been withdrawn. He further assured that the meter would be got tested by a third party (NABL lab) under intimation to the consumer and after receiving the test report, further action shall be taken and the same shall be informed accordingly.
7. Regarding this Commission's order dated 13.12.2006, the history is that M/s Electropark had filed a complained before the Commission in respect of

assessment bill of a defective meter. The Commission had disposed of the case on the assurance of the Respondent that the impugned bill amounting to Rs. 48,20,067/- would not be passed for payment till the meter is technically examined and a report obtained from the expert and till then the Respondent would also not proceed with disconnection of supply of electricity. The Respondent was to raise the bill, if any, after obtaining technical advice from the expert.

8. After hearing arguments from both the sides, the Commission is of the view that at present the Respondent has complied with the Order in as much as it is related to withdrawal of the assessment bill. The Commission further observed that keeping in view the delay of 9 years, no purpose will be served in getting the meter tested after such a long time. There was an opportunity given to the Respondent to get the meter tested and to raise the assessment bill. However, the Respondent has failed to avail that opportunity even in more than 9 years. The opportunity afforded should have been utilized in a reasonable period of time and certainly not after a passage of 9 years. Testing of a meter hanging idle at site for a period of more than 9 years would be futile since anything could have happened in the interim period and it is unfair on the consumer to expect him to be accountable for any results after such a long period.
9. On the basis of above, the Commission finds that the Respondent had not complied with the Orders of the Commission and it appears that there was even no intention to comply with the Orders. It is only after the notice in the instant case, that the bill has been withdrawn. In the present situation, the Commission accepts partial compliance of the Order to the extent that the bill is withdrawn. In respect of testing of meter, the Commission directs that there is no need for the meter testing and accordingly no further assessment of bill is required.
10. The petition is disposed of and ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson