

## **DELHI ELECTRICITY REGULATORY COMMISSION**

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

### **Petition No. 13/2007**

#### **In the matter of:**

M/s. Ganga Industries,  
(Prop. Pradeep Kumar)  
1668-C/2, Thana Road,  
Najafgarh,  
New Delhi – 110 044.

**...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. Sh. Akash Suparkar, Manager-BRPL;
2. Sh. Pradeep Kumar, Complainant;
3. Sh. V. K. Goel, Advocate for Complainant;
4. Sh. V. K. Mangalam, Advocate for Complainant.

### **ORDER**

(Date of Order: 19.08.2008)

1. The present complaint has been filed mainly on two grounds:
  - (i) Alleging violation of Regulations 31 to 37 of DERC (Performance Standards – Metering & Billing) Regulations, 2002.
  - (ii) Illegally attracting the LIP category for imposing penalty on the Complainant.
2. The Complainant is a registered consumer of electricity connection K. No. NG0011297190/2210 at Najafgarh (IP Category). The grievance of the complainant is that the Respondent has levied the penalty for LIP in excess of the one prescribed in the schedule, both in value and period, without following the procedure in terms of Regulations 31 to 37 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002. The Complainant has further submitted that the Respondent recorded the

MDI reading of electricity connection installed at his premises which was 100.8 kW i.e. marginally higher than 100 kW. The Complainant has mainly raised following three issues in his complaint:

- (i) The sanctioned load is 93.25 kW and thus covered in SIP category.
  - (ii) The reading is marginally higher than the prescribed limit of 100 kW. In such a situation the instrument error cannot be ruled out, particularly when instrument error of 3% is permissible.
  - (iii) The Respondent cannot invoke the LIP category against the Complainant even if he has exceeded the prescribed limit as the tariff for LIP category is leviable only for such billing cycle when the MDI reading exceeded 100 kW. The surcharge cannot continue for next billing cycle. Accordingly, in his case the surcharge is leviable as per the "Superscript 3" of the Tariff Schedule.
3. The Respondent in its reply has submitted that the load violation charges are leviable when the MDI reading exceeds the sanctioned/contract load and in case of Complainant the MDI reading was higher than the prescribed limit of 100 kW of SIP category and, therefore, the bill has been rightly raised attracting the provisions of LIP category.
4. The case was earlier listed before the Commission on 26.07.2007 and the Commission directed the Respondent to provide data downloaded from the meter alongwith exact supply voltage to the meter at the time when the MDI was recorded. Accordingly, the Respondent on 20.08.2007 submitted the downloaded data to the Commission. As per the said data most of the time the MDI reading was in between 85 kW to 100 kW.
5. Sh. Akash Suparkar, Manager-BRPL, submitted that the MDI reading recorded after March, 2006 revealed that most of the time the Complainant was using load in between 85 kW to 101 kW, therefore, once the consumer exceeded the prescribed load of 100 kW (SIP category) he was liable to pay as per LIP category with penalty but, in case of the Complainant, the Respondent has not imposed any penalty and raised the bill under LIP category.
6. Sh. V. K. Goel, Counsel for the Complainant, submitted that even if it is assumed that the Complainant exceeded the 100 kW load covered in the

SIP category even then the Complainant is liable to pay surcharge only for a billing cycle in which the MDI has exceeded and not for the next billing cycles as has been done in the present case by the Respondent.

7. The Respondent vide its letter dated 20.3.2008 has submitted some more data wherein two separate connections in the name of M/s Ganga Industries and Ms Neena Aggarwal have been combined for the purpose of MDI reading, in their efforts to justify that the total MDI reading in respect of both the connections had exceeded on number of occasions. The Respondent has also submitted in its report that the two connections are electrically intermixed and, hence, are required to be amalgamated and to be billed under LT-LIP category.
8. The Commission has perused the record submitted by the Respondent in compliance to the Order of the Commission dated 26.7.2007 wherein MDI reading was stated to have exceeded only on one occasion i.e, in January 2007 when it went up to 100.8 kW. The rest of the documents which the respondent has subsequently submitted alongwith its letter dated 20.03.2008 seems to be an after thought, to deviate the attention from the main issue. The dispute was only on the issue of applicability of the relevant tariff schedule. His original complaint was that in case of the complainant the surcharge was to be leviable under Superscript 3 of the tariff schedule, that too, only for such billing cycle when MDI reading had exceeded sanctioned load.
9. Keeping in view the pleadings and report submitted by the Respondent in compliance to the Order dated 26.7.2007, the Commission is of the opinion that in case of the complainant the relevant tariff schedule applicable would be as per superscript 3 which is reproduced herein below :-

*"Fixed charges are to be levied on sanctioned load or MDI reading, whichever is higher, on per kW or part thereof basis. Where the MDI reading exceeds sanctioned load, a surcharge of 30% shall be levied on the fixed charges corresponding to excess demand in kW for such billing cycle."*

It is further observed that the surcharge is leviable as per the tariff order for SIP category under superscripts 3 only for such billing cycle when the load had exceeded the prescribed limit of 100 kW and not for future billing cycles.

10. Accordingly, the Respondent is directed to revise the bill in terms of 'superscript 3' as mentioned above, and submit compliance report to the Commission within four weeks from the date of receipt of this order.
11. Ordered accordingly.

Sd/-  
(K. Venugopal)  
MEMBER

Sd/-  
(Berjinder Singh)  
CHAIRMAN