

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11 (1250)/DERC/2015-16

Petition No. 46/2015

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

And

In the matter of:

Harbhajan Singh,
73-A, Navyug Block,
Vishnu Garden,
New Delhi – 110018

.....**Complainant**

VERSUS

BSES Rajdhani Power Ltd.
Through its: **CEO**
BSES Bhawan
Nehru Place
New Delhi-110019

.....**Respondent**

Coram:

Sh. J.P. Singh, Member & Sh. B.P. Singh, Member

Appearance:

1. Petitioner in person;
2. Shri V.K. Goel, Advocate of the Petitioner;
3. Shri S Bhattacharya, DGM, BRPL;
4. Shri Manish Srivastava, Advocate for Respondent;
5. Shri Bhaskar Subramaniam, Advocate for Respondent.

INTERIM ORDER

(Date of Hearing: 20.08.2015)

(Date of Order: 04.09.2015)

1. The instant petition has been filed by Shri Harbhajan Singh, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in Regulations of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Notice was issued on 15.06.2015 to Respondent to file its reply.

3. In response to the above notice, the Respondent filed its reply on 06.08.2015, whereby they denied the allegations made in the petition and requested the Commission to dismiss the petition on the following grounds:

- i. Lack of jurisdiction: The Commission has no jurisdiction to adjudicate the complaint as it 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. Allegations made by the Complainant have been denied.

4. The matter was heard on 20.08.2015. Considering the available records, pleadings and oral submissions of both parties, the petition was admitted since there exist a prima-facie case for the following violations:-

a) Violations of Regulation 52 (iii) of DERC Supply Code, 2007

Regulation 52 (iii) provides that:-

As per above Regulation, Authorised Officer shall carry along with them their Visiting Cards and Photo Identity Cards. Photo ID card should be shown and Visiting Card handed over to the consumer before entering the premises.

The Respondent contended that the team which visited the site was of authorized persons but did not reply whether ID card were shown and Visiting Card were handed over to the consumer before entering the premises. Hence, the Respondent has apparently contravened the provisions of DERC Supply Code, 2007.

b) Regulation 52(iv) of DERC Supply Code, 2007

Regulation 52(iv) provides that:-

As per the above regulation, the Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format

With regard to abovementioned violations it is observed that there is no proof on record to establish that the Respondent had made the Report and Seizure Memo on site and that these were handed over to the Petitioner or pasted at a conspicuous place in the premises. Therefore the Respondent has apparently contravened the provisions of DERC Supply Code, 2007.

c) Regulation 52 (vii) of DERC Supply Code, 2007

Regulation 52 (vii) provides that:-

In case sufficient evidence is found to establish direct theft of electricity, Licensee shall disconnect the supply and seize all material evidence including wires/cables, meter, service line etc., from the premises and within two days from date of inspection, file a case against the consumer in designated Special Court as per the provisions of section 135 of the Act.

It is observed that the respondent failed to file a case against the consumer in the special court of electricity within 2 days from the date of inspection i.e. on 17.05.2015. The Respondent has submitted that an FIR was lodged in the concerned Police Station. However, the Respondent could not provide the date of filing complaint in the Police Station. Hence, the Respondent has apparently contravened the abovementioned provisions of DERC Supply Code, 2007.

d) Violation of Regulation 52 (ix) of DERC Supply Code, 2007

Regulation 52 (ix) provides that:-

..... a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post.

It is observed that the inspection report was neither pasted in/outside the premises nor it was sent through a registered post to the complainant. The Petitioner has submitted that he had to make several visits to the office of the respondent and requests to provide copies of the reports. Hence, the Respondent has apparently contravened the aforesaid provisions of Regulation 52 (ix) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

5. In view of the aforesaid, the Respondent is hereby directed to show cause as to why action u/s 142 of the Electricity Act, 2003 should not be taken against it for prima-facie violation of above Regulations. The Respondent is directed to file its reply within four weeks from the receipt of this notice and to serve a copy of the same to the complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
6. Take notice that in case the Licensee above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Licensee has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
7. The next date of hearing shall be intimated to the parties in due course.
8. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member