

DELHI ELECTRICITY REGULATORY COMMISSION

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

Petition No. 08/2008

In the matter of: Including wattage loss in Ballast for computing the Energy Consumed in Public Lighting System.

And

In the matter of:

BSES Rajdhani Power Limited
Through its: **CEO**
BSES Bhawan,
Nehru Place,
Delhi-110019.

...Petitioner

Versus

Commissioner
Municipal Corporation of Delhi,
Town Hall,
Delhi-110006.

...Respondent No. 1

Engineer-in-Chief
Public Works Division
12th Floor MSO Building,
IP Estate, New Delhi.

...Respondent No. 2

Chief Engineer (Electrical)
Delhi Development Authority,
Vasant Kunj, Sector -D,
New Delhi.

...Respondent No. 3

Director General (Works)
Central Public Works Division
1st Floor Nirman Bhawan,
New Delhi.

...Respondent No. 4

National Highways Authority of India
G 5&6, Sector -10, Dwarka
New Delhi-110075.

...Respondent No. 5

Petition No. 09/2008

In the matter of: Including wattage loss in Ballast for computing the Energy Consumed in Public Lighting System.

And

In the matter of:

BSES Yamuna Power Limited
Through its: **CEO**
Shakti Kiran Building, Karkardooma,
Delhi-110092.

...Petitioner

Versus

Commissioner
Municipal Corporation of Delhi,
Town Hall,
Delhi-110006.

...Respondent

Coram :

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

Appearance :

1. Sh. Arvind Gujral, AVP, BRPL
2. Sh. Rajesh Bansal, AVP, BRPL
3. Sh. S. Pandey, GM, GCC BRPL
4. Sh. Saikrishna, Sr. manager, BYPL
5. Sh. Rajiv Agarwal, DGM, KCC, BYPL
6. Sh. Hemant Soni, AVP, KCC, BYPL

ORDER

(Date of Hearing: 24.7.2008)

(Date of Order: 04.8.2008)

1. These petitions have been filed before the Commission by the BSES Rajdhani Power Ltd. and BSES Yamuna Power Ltd. respectively (hereinafter called the Petitioners) for inclusion of wattage loss in ballast for computing the energy consumed in public lighting system.

2. The above Petitioners have raised following issues: -

- a) Road owning agencies are not paying the units consumed and billed against Ballast.
- b) The exclusion of units consumed by the Ballast in the public lighting system results in reduced payment which affects the ARR of the Licensees and indirectly devolves on other paying consumers through the tariff setting mechanism.
- c) The dispute with regards to the money owed by the MCD and with road owning Agencies to petitioners also arises from the consumption of energy by the streetlight ballasts in respect of charges claimed by petitioners for the same.

3. It appears from the perusal of the petitions that the Petitioners have filed these petitions, keeping in view an Order dated 19.12.2007 passed by the Hon'ble High Court of Delhi, in Civil Writ petition No. 7702/2007 titled BYPL Vs. MCD & Ors. Para 4 sub-para 3(d) of the said judgment which is reproduced below :

"As regards the balance amount for which no reconciliation/settlement is arrived at the same would be referred to the DERC for its decision and the decision of DERC shall be binding on both the parties."

4. In the above order, no specific directions were issued to the DERC by the Hon'ble High Court. It is observed that the petitioner has approached the Commission for a decision on the issue of consumption of ballast in the street lights.

5. Since the issues involved in the above petitions are identical, the same have been taken up for hearing together and are being disposed of by this common order.

6. During the course of hearing, Shri Arvind Gujral, appearing on behalf of the petitioners, raised the issue of inclusion of wattage loss in ballast for computing the energy consumed in public lighting system. On this issue, he reiterated the direction of Hon'ble High Court for referring this issue to the DERC for settlement. When asked whether there was any specific direction of the Hon'ble High Court on the issue under reference, Shri Gujral replied in negative and submitted that it was only a general order for raising all issues on account of unsettled dues before the DERC. The Commission further asked as to why the petitioners are not resorting to the correct method of supply of power through meter, which is mandatory under Section 55 of the Electricity Act, 2003. Section 55 of Electricity Act, 2003 is reproduced below:

"(1) No licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulations to be made in this behalf by the Authority:

PROVIDED that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter:

PROVIDED FURTHER that the State Commission may, by notification, extend the said period of two years for a class or classes of persons or for such area as may be specified in that notification.

(2) For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the Authority may direct the installation of meters by a generating company or licensee at such

stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading, as it may deem necessary.

(3) If a person makes default in complying with the provisions contained in this section or the regulations made under sub-section (1), the Appropriate Commission may make such order as it thinks fit for requiring the default to be made good by the generating company or licensee or by any officers of a company or other association or any other person who is responsible for its default."

7. The representatives of the Petitioners, present during the hearing, could not give any satisfactory reply as to why meters could not be installed despite a clear statutory provision in the Act. The petitioners have also not taken up any case with the Commission to extend the period beyond two years which expired already in the year 2005. The Commission observes that the petitioners are violating the provisions of Section 55 of the Electricity Act, 2003, warranting action under Section 142 of the Act.

8. The representative of the petitioners Shri Rajesh Bansal submitted that the petitioners are already trying to settle this issue by installing the meters after identifying the places/ poles, where such meters can be installed and shall implement the above provisions in consultation with the parties concerned.

9. The Commission, after considering the issues raised by the petitioners as well as the provisions contained in the Electricity Act, 2003, finds no merit in the two petitions and dismiss the same. The petitioners are directed to supply electricity through correct meters and complete installation in a time bound manner and submit report to the Commission within three months from the date of this Order. Once the meters are installed, issues like the ones raised in these petitions, will not arise.

10. Ordered accordingly.

Sd/-
(K. Venugopal)
Member

Sd/-
(Berjinder Singh)
Chairman