

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

No. F. 11(808)/DERC/2012-13/3455/5851

**Petition No. 20/2012**

**In the matter of:** Petition under Section 142 of the Electricity Act, 2003

**In the matter of:**

S K Maheshwari  
17, F.I.E Patparganj Industrial Area  
Opp. Hasanpur Depot  
Delhi-110092

...Petitioner

**Versus**

M/s BSES Yamuna Power Ltd.  
Through its : CEO  
Shakti Kiran Building  
Karkardooma  
Delhi-110092

...Respondent

**Coram:**

**Sh. P. D. Sudhakar, Chaiperson, Sh. Shyam Wadhera, Member &  
Sh. J. P. Singh, Member.**

**Appearance:**

1. Petitioner in person.
2. Sh. K Dutta, Counsel for the Respondent
3. Sh. P K Mahur, Legal Officer, BSES Yamuna Power Ltd.
4. Sh. Shirish Verma, BSES Yamuna Power Ltd.
5. Sh. B S Prasane, BSES Yamuna Power Ltd.

**INTERIM ORDER**

(Date of Hearing: 17.01.2013)

(Date of Order: 01.02.2013)

1. The above-named complainant has filed a complaint before the Commission stating that the information relating to power outage "no current time" is missing in the bills issued to the complainant for the month of November 2011, December 2011 and January 2012. The Commission took ***suo-moto*** cognizance of the aforesaid complaint as the information relating to power outage "no current time" was mandatorily required under the directions issued by the Commission vide its letter

No.F.7(40)/DERC/2006-07/138 dated 15.04.2010 and letter No.F.7(40)/DERC/2006-07/3555 dated 15.11.2010 and accordingly issued show cause notice to the respondent under Section 142 of the Electricity Act, 2003.

2. In brief the facts of the case is that:

- i. The Complainant, Shri S. K. Maheswari is having connection CA No.100009944 and CR No.1230066588 installed at his factory 17 F.IE, Patpar Ganj Industrial Area, New Delhi.
  - ii. He has filed the present complaint before the Commission (DERC) vide his email dated 23.11.2011 stating that the information relating to power outage "**No current time**" is missing in the bills issued to the complainant for the months of **November 2011, December 2011 and January 2012**, which is a mandatory requirement under the directions issued by the Commission vide its letter No F.7(40)/DERC/2006-07/138 dated 15.04.2010 and Letter No.F.7(40)/DERC/2006-07/3555 dated 15.11.2010.
  - iii. A Show cause notice was issued to the Respondent, BYPL on 15.05.2012 with the direction to file its reply within two weeks from the date of receipt this notice with a copy to be served upon the complainant and the complainant was also given liberty to file his rejoinder in the next seven days from the receipt of the reply from the Respondent.
3. The Respondent (BSES Yamuna Power Limited) has filed the reply to the above complaint vide its letter dated 20.07.2012, wherein they have denied the charges of violation in terms of Section 142 of the Electricity Act, 2003 and stated that the allegations made by the complainant are false and fabricated.
4. The Respondent has also filed additional affidavit stating that AMR data relating to power off could not be downloaded due to technical reasons and only CMRI reading could be downloaded due to which "no current time" could not be mentioned in the said bills. The Respondent has also filed copies of electricity bills for the period October 2011 and December 2011 wherein "no current time" was available.

5. In regard to additional affidavit filed by the Respondent, the complainant has alleged that the copies of electricity bills for the period October 2011 and December 2011 filed by the Respondent are false and fabricated as the bills issued to the complainant does not have information in respect of "no current time".
6. Initially the matter was listed on 18.10.2012 in the Commission wherein the complainant filed an application under Section 340 Cr.P.C. The Commission heard the matter and adjourned to 22.11.2012 for filing of reply by the Respondent on the application under Section 340 Cr.P.C as also for clarification in respect of electricity bills where "no-current time" is given.
7. On 22.11.2012 the Respondent Counsel sought time to comply with the above directions and the hearing was adjourned to 17.01.2013.
8. The matter was again listed on 17.01.2013 in the Commission for filing of reply by the respondent on the following issues.
  - (i) Clarification in respect of electricity bills where no **"no-current time"** given.
  - (ii) Filing of reply to the application filed by the petitioner under Section 340 of Cr.P.C.
9. In reply to the first issue, the Counsel for the Respondent submitted that 08 (eight bills) revised electricity bills showing "no current time" have been sent to the petitioner in which "no current time" was not provided earlier. The Respondent attributed the reason for not providing "no current time" in the earlier bills to the non-downloading of data from AMR system for generating the bills due to some technical reasons. The Respondent admitted that for the months of billing period October, 2011 & December 2011 the AMR data could not be downloaded due to above technical error and thereby no supply details (power off) could be mentioned in the bills for the said period.

10. However, the above plea of the Respondent was refuted by the Petitioner stating that despite of the repeated directions of the Commission, the Respondent has failed to provide no current time in the current bill also. The complainant produced a copy of the latest bill for the period of January, 2013 wherein "no current time" was again left blank. The Petitioner further submitted that in the year 2012 also, the Respondent has not provided complete details in respect of "no current time" for the month of Jan, Feb, Mar, Jul, Oct of 2012. The Petitioner has also filed copies (07 bills) of such electricity bills relating to its neighboring factories, wherein "no current time" has not been mentioned by the Respondent.
11. The Counsel for the Respondent submitted that there are 1500 consumers whose data is being collected from AMR system but due to some technical defect they are not getting the correct data.
12. After hearing both the parties on the issue referred in para 1 (i) above, the Commission found that the Respondent has violated the directions issued by the Commission in its letter No.F.7(40)/DERC/2006-07/138 dated 15.04.2010 and letter No.F.7(40)/DERC/2006-07/3555 dated 15.11.2010, by not providing "no current time" in the electricity bills which is mandatory on his part. The Commission has further observed that sending current bill for the month of January 2013 giving no details of "no current time" by the Respondent to the Complainant shows that the Respondent is not serious in remedying the complaint of the Petitioner and is willfully violating the direction of the Commission. To keep system up-date is the prime responsibility of the Respondent and any excuse of system failure repeatedly is neither acceptable nor can be allowed. Hence, the Commission observed that the Respondent has not only violated the directions of the Commission by not providing the above data in the bill but has singularly failed to keep its system upto-date/technically viable.
13. Regarding the question of penalty that may be imposed on BSES Yamuna Power Limited in the present case, the instances of not providing "no current time" in the electricity bills are as many as 09 ( nine bills) wherein the Respondent has failed to provide the "no current time". Section 142 of the Electricity Act, 2003 empowers the Commission to impose a penalty

not exceeding Rs.1.00 lakh for each such contravention. The Commission is of the view that the circumstances warrant and justify that penalties be imposed on BSES Yamuna Power Limited for each contravention of its directions.

14. Accordingly, the Commission decides to impose a penalty of Rs.10,000/- for each of these 09 contraventions which shall amount to Rs.90,000/- (@ Rs.10,000/- for each contravention). The penalty shall be deposited with the Commission within one month from the date of its order.

15. The Respondent is warned that such lapse should not be repeated in future which may force the Commission to impose a heavier penalty on the erring Respondent.

16. In reply to the second issue, the Counsel for the Respondent sought time to file its reply.

17. The Commission further directed the Respondent to file reply on the following issue within two weeks.

- (i) Reply to the application filed by the complainant under Section 340 of Cr.P.C.
- (ii) Whether BSES Yamuna Power Limited is fully equipped to rectify the defect in the AMR system?
- (iii) Why the Respondent has failed to keep AMR system technically functional and failed to rectify the defects occurring repeatedly even after one year of filing of above complainant on 23.11.2011?

18. The next date of hearing shall be intimated to the parties in due course.

19. Ordered accordingly.

Sd/-

(J. P. Singh)  
Member

Sd/-

(Shyam Wadhera)  
Member

Sd/-

(P. D. Sudhakar)  
Chairperson