

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

Petition No. 23/2005

Sh. Ishwar Dass
S/o Late Budhan Ram,
H.No. XV 2/402, Gali No. 1 /2,
Than Singh Nagar, Anand Parbat,
New Delhi.

.....**Complainant**

Through: Shri V.K. Goel, Advocate,
Ch. No. 749, W.W. Tis Hazari, Delhi.

VERSUS

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

.....**Respondent**

Coram :

Sh. K. Venugopal, Member & Sh. R. Krishnamoorthy, Member.

Appearance :

1. Sh. V.K. Goel, Advocate on behalf of Complainant.

ORDER

(Date of Hearing: 16.11.2005)

(Date of Order: 24.01.2006)

1. The Complainant has brought a complaint against BSES Yamuna Power Ltd. under Section 142 of the Electricity Act, 2003 for violation of Delhi Electricity Regulatory Commission (Performance Standards – Metering and Billing) Regulations 2002 and the Electricity Act 2003. In his complaint, the Complainant has submitted that he is a registered consumer of an industrial connection, K. No. 114142130043, for which a sanctioned load of 20 KW was assigned.

2. It is submitted by the Complainant that the Respondent had levied misuse charges for non-installation of shunt capacitor. The Complainant had deposited a re-inspection fee vide receipt No. 151478 dated 21.2.1991. Therein, he also intimated that he had installed a shunt capacitor of 8 KVAR , which was of adequate capacity.

3. It is further submitted by the Complainant that a re-inspection was done on 19.3.2002 and it was found that the shunt capacitor was installed. According to the Complainant, the Respondent was bound to remove the penalty on shunt capacitor from the date of deposit of re-inspection fee and the test report dated 21.2.1991. It is further stated by the Complainant that the dispute between the Complainant and the Respondent continued and at that stage, the

Complainant stopped depositing charges for the use of electricity. Thereafter, the Respondent disconnected the Complainant on 23.3.2005. The Complainant, for the purpose of restoring the electricity supply, deposited a total amount of Rs.78,242/- on 20.8.2005, towards the bill raised by the Respondent. The Complainant has also stated that he had deposited necessary fee for reconnection of the electricity supply. The Complainant has submitted that the Respondent, under Section 24 of the Delhi Electricity Regulatory Commission (Performance Standards – Metering and Billing) Regulations 2002, was under obligation to restore the supply within 2 days after the receipt of the aforesaid payment.

4. The Complainant has now submitted that the Respondent, instead of energising the connection, has sent a letter No. DM(C)/ KCC/MC/251/Central/2675 dated 31.8.2005 stating that the CO(D) Patel Nagar had confirmed that the supply was disconnected on 30.1.2002 due to non payment of dues. Since the supply was lying disconnected for the period more than 6 months, it has become a dormant connection. Therefore, the applicant has to apply afresh and complete the commercial formalities for a new connection and also obtain No Dues Certificate from CO(D), Patel Nagar.

5. The Complainant states that it is a clear case of deficiency in service on the part of the Respondent and that there is violation of Delhi Electricity Regulatory Commission (Performance Standards – Metering and Billing) Regulations 2002. The Complainant prays that the Respondent may be levied penalty under Section 142 of the Electricity Act, 2003 and also be directed to restore the supply immediately and adjust the excess amount claimed on account of penalty of shunt capacitor imposed by the Respondent. The Complainant also seeks a suitable compensation for mental harassment.

6. The matter was listed for hearing on 16.11.2005 and none appeared on behalf of the Respondent. Further, the Respondent Licensee has not made any replies on the complaint filed by the Complainant, despite various opportunities afforded to the Respondent. Sh. V.K. Goel, Advocate appearing on behalf of the Complainant has requested that the matter may be proceeded ex-party, since the Respondent does not seem to be interested to pursue this case.

7. The complaint of the Complainant has been perused and the Counsel of the Complainant has been heard in detail. The issue before this Commission is that there has been a disconnection, as claimed by the Complainant, on 23.3.2005. In support of the claim, the Complainant has exhibited a bill dated 3.3.2005 with a bill No. 9356, wherein, an amount of Rs.71,336.33 has been raised against K. number 114142130043. The submissions of the Complainant to this extent are admitted as the Complainant has relied on the bill dated 3.3.2005

raised by the Respondent. The bill dated 3.3.2005 presents a preposition to indicate that the Complainant was receiving energy and was billed thereof till February, 2005. Therefore, the claim that the Complainant was disconnected on 23.3.2005, is also admitted in view of probabilities of preponderance and in absence of any proof contrary to it.

8. The Complainant has placed on record a receipt dated 20.8.2005, wherein an amount of Rs. 78,242/- has been paid through cheque and bill has been endorsed by the Respondent. Therefore, it is established that after disconnection the Respondent had submitted an amount of Rs.78,242/- on 20.8.2005. The Complainant has also submitted documents stating that the requisite reconnection fee was paid on 25.08.2005.

9. As per Regulations 24 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002, "The licensee shall reconnect the consumer's installation within 2 days of payment of past dues against the installation and reconnection charges. Dormant connections, however, would be reconnected only after all the formalities as required in the case of a new connection have been complied with by the consumer".

10. What appears from the letter of Respondent dated 31.8.2005 furnished by the Complainant, alongwith this complaint, that the Respondent has wrongly come to the conclusion that the supply of the Complainant was disconnected on 30.1.2002. Had this been the case, the Licensee would not have raised the bills till February, 2005.

11. In view of the facts of the case, the Commission directs the Respondent Licensee that the electricity of Complainant be restored forthwith and compliance reported to the Commission. Further the Licensee is directed to withdraw the 'shunt capacitor charges', which were levied on the consumer from the date of re-inspection i.e. 19.3.2002.

12. The Commission after going through the facts of this case expresses its anguish on the manner in which the Licensee has dealt with the present case. The Respondent Licensee was given adequate opportunity to file their reply to the complaint filed by the Complainant. However, despite Notices from this Commission, the Respondent Licensee has failed to file their reply before this Commission. The Commission is also appalled by the lackadaisical approach of the Respondent Licensee, that despite opportunities, they have not even cared to appear before this Commission to present their case. The only conclusion that the Commission can draw in this situation is that the Respondent Licensee has critically failed to fulfil its obligations under the Regulations and now seeks to avoid the Notices of the Commission.

13. The Commission is aware of the fact that the Complainant has undergone great harassment because of lack of electricity. This has been due to the abject carelessness of the Licensee. It would be appropriate at this stage to award a token compensation of Rs. 10,000/- (Rupees Ten thousand only) to the Complainant for the harassment undergone by the Complainant.

14. Further, the factum of violation of Regulation is clearly established in this present case and the Commission in accordance with Section 142 of the Electricity Act, 2003, awards an ex-party penalty of Rs. 1,00,000/- (Rupees one lakh only) for the violation of Regulation 24 of the DERC(Performance Standards – Metering & Billing) Regulations, 2002. Let the Licensee furnish to the Commission, a report on compliance, within 15 days of issue of this Order.

15. The Commission also directs the Respondent Licensee that they should be more circumspect while dealing with cases of such nature.

16. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(R. Krishnamoorthy)
MEMBER