

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

No. F.11 (1080)/DERC/2013-14/4236

**Petition No. 07/2014**

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

**And**

**In the matter of:**

Smt. Kamlesh  
W/o Late Sh. Inder Singh  
R/o 408/5 Gali No. 29,  
Nai Basti, Anand Parwat,  
New Delhi – 110005

.....**Complainant**

VERSUS

BSES Yamuna Power Ltd.  
Through its: **CEO**  
Shakti Kiran Building,  
Karkardooma  
New Delhi – 110032

.....**Respondent**

**Coram:**

**Sh. P. D. Sudhakar, Chairperson and Sh. J.P. Singh, Member**

**Appearance:**

1. Shri S. B. Pandey, Counsel for the Petitioner.
2. Shri I U Siddiqui, Legal Officer, BYPL.
3. Shri Munish Nagpal, Sr. Manager, BYPL.
4. Shri Manish Srivastava, Advocate for Respondent.

**INTERIM ORDER**

(Date of Hearing: 18.12.2014)

(Date of Order: 07.01.2015)

1. The instant petition has been filed by Smt. Kamlesh under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. In her petition, the Petitioner has alleged that the specific procedure has not been followed by the Respondent while booking a DAE case and further alleged the violation of Regulation 40 – the burnt meter was replaced after

one month instead of 3 days upon receiving the complaint by the complainant.

3. Notice of the petition was issued on 24.02.2014 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 27.05.2014 and has sought dismissal of the above complaint on the ground that the Commission has no jurisdiction to adjudicate the complaint relating to theft of electricity which is to be adjudicated by the Special Court neither it can entertain individual dispute like theft of electricity etc. between the licensee and the consumer.
5. The matter was listed for hearing on 29.05.2014 wherein the Copy of the Reply was served to the Petitioner by the Respondent at the time of hearing. The Petitioner sought time from the Commission to file rejoinder.
6. The Petitioner filed its Rejoinder on 10.07.2014 to the reply of the respondent and reiterated the submissions made in the petition.
7. The matter was listed for hearing on 18.12.2014, wherein the Counsel/representatives of both the parties were present. The Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission is of the opinion that the petition may be admitted as the Respondent prima-facie appears to be responsible for the following violations:-

**a) Violation of Regulation 40 (a) of DERC Supply Code, 2007**

Regulation 40 (a) provides that:-

In case the meter is found burnt upon inspection by the Licensee on consumer's complaint or otherwise, the Licensee shall restore connection in six hours upon receiving the complaint by bypassing the burnt meter after ensuring that necessary corrective action at site is taken to avoid future damage. New meter shall be provided by the Licensee/consumer, as the case may be, within three days.

The Commission observed that the burnt meter was replaced after one month instead of 3 days upon receiving the complaint by the complainant. Hence, it appears that the Respondent has contravened the provisions of Regulation 40 of DERC Supply Code, 2007 as the Licensee shall restore connection in 6 hours upon receiving the complaint.

**b) Violation of Regulation 52 (vi) of DERC Supply Code, 2007**

Regulation 52 (vi) provides that:-

No case for theft shall be booked only on account of seals on the meter missing or tampered or breakage of glass window, unless corroborated by consumption pattern of consumer and such other evidence as may be available.

The Commission observed that there is no corroboration with consumption pattern of the consumer. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

**c) Violation of Regulation 52 (viii) of DERC Supply Code, 2007**

Regulation 52 (viii) provides that:-

In case of suspected theft, the Authorised Officer shall Remove the old meter under a seizure memo and seal it in the presence of the consumer/ his representative. The Licensee shall continue the supply to the consumer with a new meter. The old meter shall be tested in a NABL accredited laboratory and the laboratory shall give a test report, in writing, which along with photographs/ videographs shall constitute evidence thereof.

The Commission observed that the no Seizure memo was prepared when the meter was removed. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

**d) Violation of Reg. 52 (ix) of DERC Supply Code, 2007**

Regulation 52 (ix) provides that:-

The report shall be signed by the Authorized Officer and each member of the inspection team and the same must be handed over to the consumer or his/her representative at site immediately under proper receipt. In case of refusal by the consumer or his/her representative to either accept or give a receipt, 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.

The Commission observed that there is no proof on record to establish that the Respondent has made the Report at site and that it was handed over to the Petitioner or sent through a Registered Post. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

**e) Violation of Regulation 52 (xi) of DERC Supply Code, 2007**

Regulation 52 (xi) provides that:-

.....In case show cause notice is not served even after thirty days from date of inspection, the case of suspected theft shall be considered as dropped and no further action can be initiated against the consumer

In this regard, it has been observed that the Show cause notice was issued on 31.07.2013, after two months even from the date of meter testing i.e. 31.05.2013. Hence, there appears to be violation of Regulation 52 (xi) of DERC Supply Code, 2007.

**f) Violation of Regulation 52 (xii) of DERC Supply Code, 2007**

Regulation 52 (xii) provides that:-

Theft of electricity may be established by analysis of metering data downloaded by a third party authorized laboratory. In case theft of energy is determined by way of meter down load, the show cause notice will be sent to the consumer/user.

The Commission observed that the above Regulation provides that the theft of electricity may be established by analysis of metering data downloaded by a third party authorized laboratory. However, in the instant case it appears that the Theft of electricity was established as per data downloaded at BYPL lab and not at a third party NABL accredited lab.

**g) Violation of Regulation 38 (C) read with 52 (viii) of DERC Supply Code, 2007**

Regulation 52 (viii) provides that:-

....the old meter shall be tested in a NABL accredited laboratory lab for testing and the laboratory shall give a test report, in writing,

Regulation 38 (C) provides that:-

....the consumer shall be informed of proposed date and time of testing at least two days in advance.

The Commission observed that no information was given to the consumer about testing of meter in the Lab. However, the Respondent in its reply has submitted that the Consumer was informed about meter testing vide letter dated 16.05.2013. The Petitioner has denied receipt of any such notice. The copy of the notice provided by the Respondent bears a signature which apparently does not match with the signature of the consumer. Further no copy of the report was sent to the consumer and therefore it appears that information about the meter testing was not given to the Consumer. Hence, there appears to be violation of Regulation 38 (C) read with 52 (viii) of DERC Supply Code, 2007.

8. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations should not be taken against it. The Respondent is directed to file its reply within two weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
9. 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.
10. The next date of hearing shall be intimated to the parties in due course.
11. Ordered accordingly.

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson