

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

File No.: F.11(193)(3//DERC/2005-06)

In the matter of:

Kaushalaya Rani Uppal,
D-150, Anand Vihar,
New Delhi.

....Complainant

VERSUS

BSES Yamuna Power Ltd.
Through: its **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi-110 092.

....Respondent

Coram:

**Sh. Berjinder Singh, Chairman, Sh. K. Venugopal, Member &
Sh. R. Krishnamoorthy, Member.**

Appearance:

1. Sh. Rajeev Ranjan, Sr. Officer(Legal).
2. Sh. Rarry Mangsatabam, Counsel for the Respondent.
3. Sh. P. C. Jain, AGM (B. SE).
4. Sh. Jitendra.

ORDER

(Date of Hearing: 28.11.2006)
(Date of Order: 12.12.2006)

1. The present complaint was forwarded to this Commission by CGRF vide its Order dated 10.10.2005, recommending imposition of penalty upon the Respondent for raising provisional bills in violation of Regulation 17 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002. The CGRF in the same Order observed that the Order of the 'Bijli Adalat', passed on 07.07.2002, was not implemented until the Complainant approached the CGRF. The CGRF also granted compensation of Rs. 500/- to the Complainant.

2. The Respondent in their reply before this Commission submitted that the provisional bills for the period from December 2002 to August 2003 were issued due to the reason that the earlier reading was taken in meter book no. 714 which was subsequently transferred to meter book no. 734, but the record of the changed meter book number was not updated in the system and the system kept on raising the bills on provisional basis. They have further submitted in their reply that the raising of provisional bill is a bonafide mistake of the Respondent.

3. This Commission vide its Interim Order dated 07.04.2006 had directed the Respondent Licensee to file a written statement within a week on the status of the provisional billings and the steps taken by the License to improve recurring problem of provisional billing.

4. The Respondent, in compliance to the Order of the Commission issued on 07.04.2006, submitted the compliance report on 29.09.2006 after a lapse of nearly five months. They have also annexed a copy of the status of cases from April 2005 to March 2006 which revealed that merely 124 cases of provisional billing were found during the said period.

5. The Respondent have also submitted in their reply that non-filing of reply within the stipulated period of one week was neither intentional nor deliberate but, it happened due to bonafide mistake because they were under mistaken impression that a written order/direction would be issued by this Commission.

6. Sh. Rarry Mangsatabam, Counsel for the Respondent contended before the Commission that they received a copy of the Order only with the notice of hearing i.e. dated 01.11.2006. Sh. Rarry further submitted that they have complied with the Order of this Commission regarding taking steps to make the system efficient and further that the steps are also being taken to make the system consumer friendly. Sh. Rarry also tendered an unconditional apology for delay in filing the compliance report.

7. After considering the overall facts and circumstances of the case, the Commission is of the considered opinion that the Respondent had earlier failed to comply with the order of 'Bijli Adalat' passed on 07.07.2002 until the Complainant had approached the CGRF. Again, when the Respondent vide Interim Order dated 07.04.2006 was directed by this Commission to file a written statement on the status of provisional billing and the steps taken to improve recurring problem of billing within a week from the issue of the Order, the Respondent failed to ensure timely compliance and submitted the report after a lapse of nearly five months. The reasons offered by the Respondent to justify this delay are also not satisfactory.

8. The contention of the Learned Counsel that the Respondent were waiting for the direction in writing does not seem to be convincing because on the date of hearing i.e. on 04.04.2006, this Commission had specifically directed the Respondent to file the written statement within a week and on that day Sh. Rarry, Advocate and a representative of the Respondent namely, Sh. Naveen Kumar, Senior Officer(Legal), BYPL, were both present. Moreover, it has been certified from the record of the registry of the Commission that a copy of the Interim Order dated 07.04.2006 was despatched to the Respondent on 13.04.2006 by

speed post. So, it is difficult to believe that the Respondent had not received the copy of the Order and that it was received only alongwith the notice for hearing issued on 01.11.2006.

9. The long time taken in implementing the Order of the Commission and the explanation offered to justify delay, reveals lack of seriousness on the part of the Respondent towards the Orders of the Commission. Such an attitude of a Distribution Licensee is not appreciable.

10. The Commission feels that it is a fit case where the Respondent deserves a suitable penalty for its careless attitude and for not complying with the Order of this Commission within the stipulated period. The Commission has also taken cognizance of the recommendation of the CGRF whereby the CGRF have recommended imposition of penalty upon the Respondent for raising provisional bills from December 2002 to August 2003 in violation of the DERC Regulations.

14. In view of the facts placed before the Commission, the Commission warns the Licensee to comply with the directions issued properly & in time in future failing which actions will be taken in accordance with the provisions of Law including levy of penalty for non-compliance of directions. In addition, a penalty of Rs. 2,500/- is also imposed for raising provisional bills against the Complainant in violation of the DERC Regulations. The Licensee shall submit a compliance report of this Order within 21 days from the date of issue of this Order.

15. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(R. Krishnamoorthy)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN