

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

Petition No. 29/2007

In the matter of:

M/s Lachman Dass Karam Chand
D-6, Udyog Nagar,
New Delhi.

.....**Complainant**

VERSUS

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

.....**Respondent**

Coram:

**Sh. Berjinder Singh, Chairman, Sh. Shyam Wadhera, Member &
Sh. Subhash R. Sethi, Member.**

Appearance:

1. Sh. R.R. Panda, GM, BRPL

ORDER

(Date of Hearing: 17.11.2009)

(Date of Order: 23.06.2010)

1. In above petition has been filed by Sh. Karam Chand Goel S/o Sh. Rulia Ram R/o D-6, Udyog Nagar, New Delhi who is the proprietor of M/s. Lachman Das Karam Chand. In the petition the petitioner has filed the complaint with regard to -
 - i) Wrongly clubbing the connection of the complainant with other connections in the building in utter violation of tariff schedule.
 - ii) Violation of Chapter VIII (Regulations 31 to 37) of DERC (Performance Standards –Metering and Billing) Regulation, 2002 in as much as that no show cause notice was given or personal hearing granted or any speaking order passed before clubbing the connection with other connections and levying penalty of LIP.

Facts of the case

- 1) The averment made by the Plaintiff.
- 2) It is submitted in the complaint that there are three connections at the premises at D-6, Udyog Nagar, New Delhi. The three floors are occupied by different owners and have three different connections for industrial purpose in SIP category. The Complainant has stated that in July, 2006 the Respondent Licensee has clubbed all three connections and started charging in one bill with K. No. NA1501220993/2220/NANGLOI.
- 3) That the connection is at the ground floor. There are two other connections in the building at first and second floor. The user of the other two connections were M/s. Wings Pharmaceuticals (K. No.NA150123739*/2220/NANGLOI) and M/s. Wings Pharmaceuticals Pvt. Ltd. (K.No. NA1501221213/2220?NANGLOI). All the three connections were for SIP category with separate users. In the month of August 2004, the respondent billed the two connections of Wings on LIP basis. They filed civil suit Nos. 664/04 and 665/04. In these suits, the Hon'ble Court ordered for charging on SIP basis. But the respondent kept on charging on LIP basis and contempt applications are pending on those suits. The complainant in this complaint is not concerned with those connections or civil suits pending in the civil court.
- 4) That from the month of July 2006, the respondent clubbed all the three connections, including the connection of the complainant, in one connection and started charging in one bill with K. No. NA150123739*/2220/NANGLOI.
- 5) That there is no justification for clubbing the connection of the complainant with other connections whose users are different. The complainant has approached the respondent number of times but no heed is being given and no reply is being given. Verbally it is being informed that since all the connections are in one building so the same are clubbed.

6) That as per Tariff the definition of premises is as under :

"Premises shall mean land or building or part thereof in respect of which separate meter or metering arrangement have been made by the licensee for supply of electricity."

7) That thus irrespective of the fact that the Municipal Number may be same, there can be different premises in one building as far as the electricity supply is concerned. The connections can not be clubbed as done by the respondent.

8) That clause 8.2.3 (iii) of tariff reads as under :

"Loads of separate connections in one premises shall not be clubbed for classification under LIP if such connections are in the name of different entities having separate MCD license and being used for different purposes."

9) The connection of the complainant and other connections are in different names, having different MCD license and different user. There is no ground for clubbing the connection of the complainant with that of other connections in the building at other floors.

10) That clause 8.2.3 (iv) reads as under :

"Load of separate connection in two distinct adjacent premises (with different addresses in local body records) which are not Intermixed shall not be clubbed for classification under LIP even if such premises are being used by the same entity."

11) That such provisions were introduced by the Hon'ble Commission only to check the respondent from clubbing the connections indiscriminately in the earlier years. The respondent resorted to such illegal actions for undue enrichment.

- 12) That as further per Chapter VIII (Regulations 31 to 37) of DERC (Performance Standards –Metering and Billing) Regulations, 2002, the respondent are supposed to issue show cause notice, grant personal hearing and pass speaking order before levying any penalty. No such procedure was followed and thus the regulations and principles of natural justice have been grossly violated.
- 13) That the respondent are acting in hurry to levy the penalty for undue enrichment by passing the regulations, tariff and principles of natural justice.
- 14) That the respondent is acting in most arbitrary manner and giving no consideration to the various provisions and acting of its own.
- 15) That the bills of the complainant is liable to corrected for its own readings on SIP basis. It is pertinent to note there have been three separate meters for the three connections all along i.e. even during the time when clubber billing on LIP is being done for the last about one year.
- 16) That supply of complainant and other two connections one of M/s. Wings Pharmaceuticals (P) Ltd., and the other of M/s. Wings Pharmaceuticals (Proprietorship) was disconnected on 16.4.2007 and not being restored despite follow ups.

Averment / Submissions made by Respondent :

- 17) In the reply the Respondent submitted that an inspection carried out on 24.04.2006 revealed that the building where the electricity connections are installed has only one entrance and the consumer did not allow the inspection team to go beyond the reception.
- 18) It is further submitted by the Respondent that when the main switch of Meter no. 29003636 (in the name of M/s. Wings Pharmaceuticals Pvt. Ltd.) was switched off, all the lightning load of the three floors went off which was visible through the windowpanes. It is a case of inter-mixing of connections and their loads. The Complainant had rented this

accommodation to M/s. Wings Pharmaceuticals Pvt. Ltd.. The Complainant has annexed the rent receipts to substantiate their contention. The Complainant has unauthorisedly and illegally allowed the use of electricity connection by M/s. Wings Pharmaceuticals Pvt. Ltd.

- 19) It is submitted by the Respondent that all the three connections are used by the same single user namely, M/s. Wings Pharmaceuticals Pvt. Ltd. for the same purpose and are for ground floor area and the accompanied load of these connections exceeds the SIP limits, therefore, the Respondent have attracted LT-LIP tariff as per tariff order of the Commission. The Respondent have submitted that the three connections were clubbed after following the prescribed procedure as all these connections were being used for the same purpose by the same user and the bill was issued in the name of actual user M/s. Wings Pharmaceuticals Pvt. Ltd. in accordance with the Tariff Order passed by the DERC.

Rejoinder filed by the Plaintiff :

- 20) In the rejoinder the Complainant has submitted that the electricity connection of the Complainant is on ground floor whereas the other two connections of M/s. Wings Pharmaceuticals Pvt. Ltd. are on first and second floor. Therefore, there are three different premises and not one, as alleged by the Respondent.

Additional Reply filed by the Respondent :

- 21) In the additional reply M/s BRPL Respondent vide letter dated November 03, 2009 has submitted that the matter has been amicably settled between the parties. The bill has been revised on the basis of SIP tariff and the same has been paid by the consumer and requested the Commission to consider the case amicably settled and thus close the matter.
- 22) The matter is heard today in the Commission. None is present from the side of Complainant.
- 23) After going through the averments / written submissions / oral submissions as well as documents placed before the Commission although the

Commission found matter resolved amicably in between the parties yet it wanted clarification from the respondent on the following issues :-

(a) Whether any two connections can be amalgamated?

(b) Does such amalgamation comply with the safety standards as prescribed in Indian Electricity Rules 1956.

24) The Respondent vide its letter dated 24.11.2009 submitted that in the instant case, procedure as laid down in provision 34(V) of Metering & Billing Performance Standards, 2002 has been followed:

(a) That the inspection had been carried out on 24.4.2006 at the consumers premises.

(b) That the electrical intermixing was found at the time of inspection, when main switch of one meter was switched off, the lighting load of all the floors went off.

(c) That all the three connections were used to serve the same establishment M/s Wings Pharmaceutical.

(d) That the notice as well as a letter for hearing was sent to the consumer on 28.4.2006.

(e) As the consumer didn't respond to the notice for hearing, the connections were amalgamated accordingly.

(f) In the instant case the consumer was only trying to escape the higher LIP tariff as his total sanctioned load would become 216.39KW.

25) It is further submitted by the Respondent that all the three connections were clubbed, without altering the status of the meters & LIP bill was issued to the consumer showing all these three meters in the electricity bill. The amalgamation had been done without interfering the internal wirings of the consumer. Hence it conforms to the safety standard as mentioned in I.E. Rule-1956.

26) Considering the reply filed by the respondent satisfactory and filing of the written and signed memorandum of settlement by both parties as well as on not further pursuing of the above matter before the Commission by the Plaintiff, The Commission considers the matter as amicably resolved and hence disposed off.

27) Ordered accordingly.

(Subhash R. Sethi)
MEMBER

(Shyam Wadhera)
MEMBER

(Berjinder Singh)
CHAIRMAN