

# **DELHI ELECTRICITY REGULATORY COMMISSION**

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

## **Petition No. 14/2006**

### **In the matter of:**

Mahinder Engineering,  
S. No. 2, AT 579,  
Roshan Mandi, Najafgarh,  
New Delhi.

.....**Complainant**

### **VERSUS**

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

.....**Respondent**

### **Coram:**

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

### **Appearance:**

1. Sh. V. K. Goel, Advocate on behalf of the Complainant.
2. Sh. R. C. Mehta, AVP, BRPL
3. Sh. A. P. Ram, B.M. BRPL.
4. Sh. Amit Rastogi , CO, BRPL
5. Sh. Raj Kumar, BRPL.

## **ORDER**

(Date of Hearing: 26.10.2006)

(Date of Order: 22.11.2006)

1. The present complaint has been filed by M/s. Mahinder Engineering against the Respondent, i.e. BRPL seeking mainly the following reliefs:

- (a) The imposition of penalty upon the Respondent in terms of Section 142 of the Electricity Act, 2003.
- (b) To direct the Respondent to correct the bills raised by the Respondent without levying LPSC charges and by making assessment for the defective meter in terms of DERC Regulations.
- (c) To direct the Respondent to withdraw the bills already raised for the defective period.
- (d) Suitable compensation.

2. The brief background of the case is that the Complainant is stated to be a registered consumer of electricity connection K. No. 2620J0250108(IP). His allegation is that a faulty meter was installed at his residence sometime in October/November 2003. The Complainant represented to the Respondent on

04.05.2004 and even deposited an amount of Rs. 300/- for testing of the meter on 07.05.2004. Thereafter, he represented many times for testing of the meter, but all in vain. Finally, the meter was tested on 25.02.2005 and was found to be defective and a new electronic meter was installed on 18.06.2005.

3. The Complainant submitted that the Respondent started raising exorbitant bills from January, 2005 onward. A bill for Rs. 1 lakh was raised in January 2005; a bill for Rs. 1,76,960/- in August 2005; a bill for Rs. 2,16,650/- in November 2005 and a bill for Rs. 2,25,690/- was raised in December 2005 by the Respondent.

4. The contention of the Complainant is that the demand raised by the Respondent was for the period when the meter was defective. However, the Complainant deposited an amount of Rs. 1 lakh in February 2005.

5. The Complainant has alleged violation of Regulation 21 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002.

6. The Respondent in its reply has submitted that the bills have been revised and the net amount payable is only Rs. 1,22,529.54/- up to 6<sup>th</sup> June, 2006 which has been further escalated to Rs. 1,36,862.50/- as on 2<sup>nd</sup> August, 2006. The Respondent has further clarified that the bill has been revised as per DERC Regulation 21 (ii) and also indicated the manner and the period on the basis of which the revision of bills has been carried out.

7. The Respondent has brought out certain new facts by stating that an inspection was carried out in the premises of the Complainant on 22.08.2006 and it was found that there was consumption of only one unit per day and that there was no load on the meter. The matter was referred to the Enforcement Department and even the CMRI data was obtained from the meter which indicated that the consumer had used 37.96 kw load as against the sanctioned load of 4.10 kw.

8. The Complainant, in his rejoinder, has submitted that the Respondent is still violating the Regulations of the DERC. The Complainant has further submitted that the Respondent had reduced the bill from Rs. 3.31 lakh to Rs. 1.22 lakh but did not explain the formula or logic applied while revising the bill.

9. The Complainant has further submitted that repeated inspections of his premises have been carried out by the Respondent after the date of hearing just to harass him.

10. The Complainant has prayed to the Commission to direct the Respondent to restore the supply of electricity in his premises.

11. The Respondent has also submitted parawise reply to the rejoinder filed by the Complainant, wherein, it is mentioned that the assessment has been done in terms of Regulation 21(ii) of the DERC (Performance Standards – Metering & Billing) Regulations, 2002, and hence they have not violated any Regulation of the DERC. The reasons for delay in replacement of the meter were due to the fault of the Complainant himself as the premises were found locked on several occasions. The Respondent insisted that the Complainant was required to complete the commercial formalities before seeking restoration of supply of electricity. The Respondent has further submitted that CMRI Report obtained recently revealed that the Complainant has excessively used the load upto 37.96 kw, i.e. 900% more than the sanctioned load.

12. Both the parties were present before the Commission and during the course of arguments, the Counsel for the Complainant contended that the inspection carried out by the Respondent on 22.08.2006 was just to harass the Complainant as he had approached this Hon'ble Commission for redressal of his grievances. He further argued that the developments on or after 22.08.2006 have, otherwise also, no relevance to the present complaint which has been filed for specific violations by the Respondent.

13. Sh. R.C. Mehta who represented the Respondent, admitted before the Commission that there was delay in testing and installation of the meter. He could not satisfactorily explain as to why it took over a year to arrange testing of the meter and then another four months for installation of the meter. Sh. Mehta also admitted the raising of the exorbitant bills but, submitted that the same have been suitably revised and issued to the Complainant.

14. Considering the overall facts and circumstances of the case, the Commission is convinced that there was undue delay on the part of the Respondent, in first testing the defective meter and then replacing the same. Since there is no proper explanation or justification for this unprecedented delay, the Commission decides to impose a penalty of Rs. 10,000/- against the Respondent with the direction to deposit the same within three weeks from the date of this Order. In addition, the Commission also directs the Respondent to pay an amount of Rs. 5,000/- to the Complainant as token compensation for the harassment undergone by him.

15. It has also been brought to the notice of the Commission that the Respondent has indulged in unethical activity by arranging inspection of his premises after the Complainant had approached this Commission for redressal of his grievances. The Counsel for the Complainant has further submitted that it is not the only case where this practice has been resorted to but, in number of

other cases also, the DISCOMs have indulged in similar activities with a view to discourage the consumers from approaching the Commission or any other legal Forum. The Commission is constrained to mention that in last six months or so, a number of cases have been brought to our notice which indicate as if the DISCOMs have carried out inspection of the premises after the consumers had approached the Commission or the Consumer Grievances Redressal Forum. Repeated indulgence in such activities by the DISCOMs may suggest an interference with the due process of law which would be an unbecoming act on part of the Distribution Company. The Commission express serious concern and directs the Respondent to convey its concern and feelings to all officers and also issue suitable instructions so that such activities are not repeated in future.

16. As regards subsequent inspections of the premises carried out on 22<sup>nd</sup> August, 2006 and thereafter, the same are not relevant to the subject matter of the present complaint and may be dealt with separately. The Complainant is advised to approach the concerned Consumer Grievances Redressal Forum (CGRF) for redressal of the said grievances. The concerned CGRF may deal with the petition and dispose the same, on priority, preferably within two months after hearing the concerned parties.

17. The Complainant's prayer for restoration of electricity is connected with a number of factual disputes with regard to the burning of the meter as the Complainant claims that the meter got burnt due to loose connection and not due to the over load, whereas the Respondent has taken the stand that the CMRI data collected by the officials of the Respondent indicated that the consumer had used 37.96 kw load as against the sanctioned load of 4.10 kw. These factual aspects need to be looked into in detail. It would, therefore, be appropriate that the Complainant may approach the CGRF and raise this issue before the same. He is also at liberty to seek direction from CGRF for restoration of supply of electricity.

18. The CGRF may consider to grant interim relief for restoration of supply of electricity subject to the existing legal provisions and orders of the Courts, if any, in this regard.

19. The complaint is disposed off accordingly.

Sd/-  
(K. Venugopal)  
MEMBER

Sd/-  
(R. Krishnamoorthy)  
MEMBER

Sd/-  
(Berjinder Singh)  
CHAIRMAN