



## Delhi Electricity Regulatory Commission

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

F.11 (1922)/DERC/2021-22

### **Petition No. 55/2021**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

**Mangeram**

..... **Complainant**

**Versus**

**BSES Rajdhani Power Ltd.**

**Through its: CEO**

..... **Respondent**

**CORAM:**

**Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson**

**Hon'ble Dr. A.K. Ambasht, Member**

**Appearance:**

Shri Sagar Arora, Advocate for the Respondent

### **ORDER**

(Date of Order: 23.12.2022)

1. The Petitioner, Shri Mangeram has filed the present Petition under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd., for violation of the procedure as laid down in the Regulations of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 (hereinafter in short referred to as DERC Supply Code, 2017) while booking a case of theft of Electricity against the Petitioner.
2. As per the Petitioner, on 13.07.2021, officials of the Respondent's enforcement team entered his premises at the above said address. After the inspection they have wrongly sent theft assessment bills for CA No. 401364013 for an amount of Rs. 2,09,377/- (Ground Floor) and CA no. 401364012 for an amount of Rs. 4,66,438/- (First Floor). It is further submitted by the Petitioner that as per the PLA Order dated 03.08.2021, he deposited an amount of Rs. 50,000/- for restoration of supply against CA No. 401364013 (Ground Floor), however the Respondent did not restore the electricity before 09.08.2021, thereby violating the DERC Supply Code Regulations, 2017.
3. On perusal of the Order dated 03.08.2021 passed by the PLA, it is found that the Petition for restoration of electricity was disposed of by PLA which was allowed on

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**WEAR FACE MASK**

**WASH HANDS REGULARLY**

**MAINTAIN SOCIAL DISTANCING**

making part payment of Rs. 50,000/- on or before 03.08.2021 with directions to restore the connection within 7 days on completion of commercial formalities.

4. Subsequently, vide Order dated 11.09.2021, the dispute of Rs. 4,66,438/- for CA no. 401364012, installed at First Floor was settled for Rs. 210000/- (Two lacs ten thousand only) which was subsequently paid by the Petitioner. However, with regard to the meter installed at ground Floor a Direct Theft bill amounting to Rs. 2,09,377/- was also raised for the inspection held on 13.07.2021. For that, the Petitioner as mentioned above, also deposited a sum of Rs. 50,000/- in compliance of the directions issued by the PLA on 03.08.2021. The dispute pertaining to the said meter was however not settled.
5. Vide the instant petition the petitioner has raised allegations that during the inspection carried out at his premises on 13.07.2021, the Respondent officials have violated various Regulations of DERC Supply Code, 2017.
6. The Respondent in its reply against the notice issued by the Commission refuted the allegations made by the Petitioner.
7. During the hearing held on 20.09.2022, the Commission heard both the parties and directed both the counsels to come to the court physically along with CD which is being used as an evidence in this matter on the date fixed. Both the Counsels were to examine the CD in presence of the Joint Director (Law) of DERC on 11.10.2022 at 2:00 PM, who was then to file his report before the Commission to decide the matter.
8. In compliance of the Interim Order dated 20.09.2022 passed by the Commission, the CD of videography was examined and report submitted to the Commission.
9. Subsequently, the matter was listed for hearing on 24.11.2022, wherein both the parties had made their submissions and completed their arguments. Considering the submissions and arguments put forth by the parties, as well as the CD shown as per para 7, the findings of the Commission are as follows:

**a. With regard to allegation for Violation of Regulation 55(3) of DERC Supply Code, 2017**

The Petitioner has alleged that the Respondent did not show any photo identity cards.

Per contra, the Respondent has submitted that before conducting inspection, authorized officer of Respondent showed his photo identity card and only after informing the reason for inspection, the team was allowed to inspect the connection and assess the connected load or premises.

**The relevant provisions of the Regulation 55(3) of DERC Supply Code, 2017 are given below:**

**Regulation 55(3)**

The Licensee shall issue photo identity cards to all the Assessing officers and Authorized officers specifically indicating their designation and details of authorisation.

**b. With regard to allegation for Violation of Regulation 55(4) of DERC Supply Code, 2017.**

The Petitioner has alleged that as per Regulation 55(4) during the inspection of premises, in all cases, the assessing officer or the authorized officer as the case may be, shall cause to videograph the entire proceedings, till the completion of inspection at the premises and should supply a copy of the CD. But in this case, the Respondent has neither videographed the entire proceedings nor supplied a copy of CD.

Per contra, the Respondent has submitted that the present para is contradictory to the submissions made by the Petitioner, wherein he admitted the facts of receiving two same envelopes containing Compact Disc.

**The relevant provisions of the Regulation 55(4) of DERC Supply Code, 2017 are given below:**

**Regulation 55(4)**

During the inspection of premises, in all cases, the assessing officer or the authorized officer as the case may be, shall cause to videograph the entire proceedings, till the completion of inspection at the premises: Provided that the videograph shall include acceptance or denial by the consumer of photo visiting card, signing of inspection report, signing of seizure memo etc.

As far as the contention raised by the Petitioner that no videography was conducted is falsified. After going through the videography, it appears that the officials of the Respondent have videographed only the installation of appliances. The officials of the Respondent have not videographed the essential requirements as per the provision of the regulations of DERC Supply Code, 2017. They have not even shown which officials have visited for inspection neither shown any ID Card or visiting card of the officials in the videography. They have just started videography showing the electricity connection. It cannot be inferred from the videography as to whether any inspection report was prepared at site as the same is not shown anywhere in the videography. Neither any handing over of the inspection report is shown nor any refusal on part of the consumer to sign the report is shown in the videography. Further there is no videography of pasting of the inspection report at a conspicuous place of the premises.

Hence, it is clear that violation of DERC Supply Code, 2017 is made out on two counts i.e. Regulation 55(3) and 55(4) DERC Supply Code, 2017.

**c. With regard to allegation for Violation of Regulation 63(4) of DERC Supply Code, 2017.**

The Petitioner has alleged that no credit has been given to the consumer for the units already paid by the consumer for the period of assessment bill.

Per contra, the Respondent has submitted that as per the findings of Inspection dated 13.07.2021 and Regulation 63 read with Appendix-I of DERC Supply

Code, 2017 and Tariff Order, Bill of Supply for Electricity (Assessment of Direct Theft) bearing No. AGENR1407202100016AO amounting to Rs. 2,09,378/- with payment due date 29.07.2021 for ground floor and bill of Supply for Electricity (Assessment of Direct Theft) bearing No. AGENR1407202100015AO amounting to Rs. 4,66,439/- for first floor and second floor with payment due date 29.07.2021 were raised and sent through speed post to the complainant.

**The relevant provisions of the Regulation 63(4) of DERC Supply Code, 2017 are given below:**

**Regulation 63(4)**

While making the assessment bill, the Licensee shall give credit to the consumer for the electricity units already paid by the consumer for the period of the assessment bill

The Commission observed that the Respondent has issued final assessment bill on the basis of inspection and speaking order. However, no credits to the consumer have been given for the payments already made by the consumer for the period of assessment bill. No document furnished to this effect by the Respondent. Hence, it is clear that violation of Regulation 63 (4) DERC Supply Code, 2017 is made out.

**d. With regard to allegation for Violation of Regulation 66 1(ii) of DERC Supply Code, 2017.**

The Petitioner has alleged that the Respondent did not give supply on the ground floor. No restoration of supply as per PLA order dated 03.08.2021 within 7 days.

Per contra, the Respondent has submitted that Hon'ble PLA, vide its order dated 03.08.2021 directed Respondent to restore connection bearing CA no. 101715720 on making payment of Rs. 50,000/-. As per records, the connection was restored on 02.09.2021 after completion of commercial formalities.

**The relevant provisions of the Regulation 66 1(ii) of DERC Supply Code, 2017 are given below:**

**Regulation 66 1(ii)**

66. Restoration of supply disconnected on account of theft of electricity: - (1) The Licensee shall restore supply of electricity to the premises within 48 hours of payment by the consumer of amount (i) assessed in accordance with Regulation 63 or (ii) allowed to be deposited by any court including the Lok Adalat.

As per the Order of the Permanent Lok Adalat dated 03.08.2021, the Hon'ble Court allowed the request of the Petitioner for restoration on making part payment of Rs. 50,000/- on or before 23.08.2021. As per the records available with the Commission i.e. the Meter Particular sheet as annexed by the Respondent along with his reply, the new meter was installed by the

Respondent on 02.09.2021 after completion of commercial formalities. Hence, the violation of the Regulation 66 1(ii) as mentioned above is not attributable to the Respondent.

6. For the reasons recorded above, it is held that the Respondent has violated Regulation 55(3), Regulation 55(4) and Regulation 63(4) of DERC Supply Code, 2017. Accordingly, Rs. 30,000/- (Thirty Thousand only) (Rs. 10,000/- for each violation) is imposed as penalty on the Respondent for the said violations. The amount of penalty to be paid within 30 days of the order.
7. The Petition is disposed of and ordered accordingly.

**Sd/-**  
**(Dr. A.K. Ambasth)**  
**Member**

**Sd/-**  
**(Justice Shabihul Hasnain 'Shastri')**  
**Chairperson**