



## **Delhi Electricity Regulatory Commission**

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

F.11(1746)/DERC/2019-20

### **Petition No. 71/2019**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

**Sh. Manish**

**..... Petitioner**

**VERSUS**

**BSES Rajdhani Power Ltd.**

**Through its: CEO**

**.....Respondent**

**CORAM:**

**Hon'ble Sh. Justice S S Chauhan, Chairperson**

**Hon'ble Sh. A.K. Singhal, Member**

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

**Appearance:**

1. Petitioner in person;
2. Mr Manish Srivastava, Adv., BRPL.

### **INTERIM ORDER**

(Date of Hearing: 25.08.2020)

(Date of Order: 17 .09.2020)

1. The Petitioner Shri Manish has filed the present Petition under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in the DERC (Supply Code and Performance Standards) Regulations, 2017 (hereinafter referred to as SOP Regulations, 2017).
2. The Petitioner has alleged that while booking the case of theft of electricity, (Meter tampering), the Respondent has violated following provisions of SOP Regulations, 2017: -
  - (i) The Respondent tested the meter in his own Lab and not in the third party Lab recommended by the Commission.
  - (ii) Meter was not sealed/seized, neither photographed nor asked for any signature and it was kept in an unsealed bag.
  - (iii) No intimation of testing of the meter in lab.

- (iv) No Inspection report, except CD and Speaking Order was dispatched to consumer.
  - (v) Pre inspection and post inspection consumption of 6 months are as per Regulation in consonance, hence no DAE has been committed and false and fabricated case has been booked.
3. In the reply to the notice, the Respondent has denied all the allegations and has stated that the present complaint is merely an afterthought of the Petitioner. The Petitioner is trying to evade from its liability to pay the legitimate dues of the Respondent under the electricity bill raised upon the Petitioner. The present complaint is liable to be dismissed on this ground alone.
4. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Petition is admitted as there exists a prima-facie case of violation of following Regulations: -

**a) Violation of Regulation 32 (8) (i), (ii) & (iii) of DERC Supply Code, 2017.**

**Regulation 32 (8) (i)** is as follows: -

*(8) Testing of tampered meter: -*

*(i) If the Licensee suspects a case of unauthorised use of electricity and theft of electricity through a tampered meter, the meter shall be tested in an accredited laboratory notified by the Commission for that purpose:*

**Regulation 32 (8) (ii)** is as follows: -

*(ii) The Licensee shall remove the meter from site/consumer's premises and seal it in the presence of the consumer or his representative in a container affixing thereon paper seals which shall be signed by both the parties. In case the consumer refuses to sign the paper seal, the same shall be photographed and videographed.*

**Regulation 32 (8) (iii)** is as follows: -

*(iii) The Licensee shall schedule a date and time for the testing of meters with the accredited laboratory notified by the Commission and shall give at-least 3 (three) days prior notice to the consumer, intimating the date and time of testing so that the consumer or his authorized representative, if so desires, can be present during such testing.*

The Petitioner alleged that as per the Regulation the meter shall be tested in an accredited laboratory notified by the Commission for that purpose, whereas it was tested in Respondent's own Lab. It has further alleged that the meter was not sealed/ seized neither photographed nor he was asked for any signature and no information was given to him about testing of meter. Meter was kept in an unsealed bag. The Petitioner has further alleged that the meter was tested in his absence.

The Respondent submits that the Petitioner was duly informed about the date of testing of meter vide Lab testing Notice of Removed Meter bearing no. 994502 dated 03.11.2018 and the meter was tested by M/s Baroda Calibration Services, a third party accredited Laboratory. It has further clarified that the Meter bearing no. 21717729 was removed and seized in a gunny bag bearing no. 156637 and was sent to NABL accredited meter testing laboratory in sealed condition bearing seal no. 137063.

The Commission observes that the Lab, where the meter was tested is an accredited laboratory but not notified by the Commission.

It is also 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 03.11.2018. The Petitioner has denied receipt of any such notice. The copy of the notice provided by the Respondent does not bear any signature of the Consumer or representative of the consumer, and therefore it appears that information about the meter testing was not given to the Consumer.

Hence, prima facie it appears that the Respondent has contravened the above provisions of Regulation 32 8 (i), (ii), & (iii) of SOP Regulations, 2017.

**b) Violation of Regulation 61 (4) & (5) of DERC Supply Code, 2017.**

**Regulation 61 (4)** is as follows: -

*(4) The inspection Report shall be signed by the Authorized officer and a copy of the same shall be handed over to the consumer or his representative at the site immediately under proper acknowledgement. The other persons present at site may also sign the inspection report.*

**Regulation 61 (5)** is as follows: -

*(5) If consumer or his representative at site refuses to acknowledge and accept the copy of the report, a copy of the report shall be pasted at a conspicuous place in or outside the premises and photographed and/or video recorded. Another copy of the same report shall be sent to the consumer under Registered Post or Speed Post or electronically on the same day or on the next day of the inspection*

The Petitioner alleged that no Report was handed over to him or pasted at a conspicuous place in the premises or was sent to the Petitioner under a registered post.

The Respondent has clarified that the authorized officer prepared Inspection Report at site itself and offered it to Petitioner, who refused to receive and sign the Inspection Reports and did not allow the inspection team to capture the same in videography. Subsequently, the same were sent by speed post vide "Speed Post" Dispatch no. ED682891047IN.

The Commission observed that the Respondent has not provided any proof or evidence that the Report was served upon the Petitioner. Hence, the Respondent

has apparently contravened the aforesaid provisions of Regulation 61(4) and (5) of SOP Regulations, 2017.

5. In view of the aforesaid, the Respondent is hereby directed to show cause as to why action u/s 142 of the Electricity Act, 2003 should not be taken against it for prima-facie violation of aforesaid Regulations. The Respondent is directed to file its reply within four weeks from the date of receipt of this notice and to serve a copy of the same to the Petitioner. The Petitioner has also been given liberty to file rejoinder, if any, within a week, thereafter.
6. The next date of hearing in the matter is on 14.10.2020.
7. Ordered accordingly.

**Sd/-**  
**(A.K. Ambasht)**  
**Member**

**Sd/-**  
**(A.K. Singhal)**  
**Member**

**Sd/-**  
**(Justice S S Chauhan)**  
**Chairperson**