



## **Delhi Electricity Regulatory Commission**

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

F.11(1714)/DERC/2019-20

### **Petition No. 44/2019**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

**Mohd Ali**

**..... 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. Shri N.K. Nagar, Advocate for the Petitioner;
2. Shri Manish Srivastava, Counsel for the Respondent;

### **INTERIM ORDER**

(Date of Hearing: 25.08.2020)

(Date of Order: 17.09.2020)

1. The Petitioner Mohd Ali 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, 2007).
2. The Petitioner has alleged that while booking the case of theft of electricity (Direct Theft), the Respondent has violated following provisions of the SOP Regulations, 2007: -
  - (i) No ID card was shown;
  - (ii) No reports were made at site;
  - (iii) No material was seized;
  - (iv) No case was filed in 2 days in special court;
  - (v) Copy of the inspection report was not handed over;
  - (vi) No copy of the report was pasted at a conspicuous place in or outside the premises and photographed and video recorded;
  - (vii) No videography was made;

3. In the reply to the notice, the Respondent has denied all the allegations and has stated that the Petitioner has failed to make out a case against the Respondent under the provisions of the Electricity Act, 2003 as the Respondent has not violated any Regulations of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007. The present complaint is nothing but a delaying tactics of the Petitioner to evade from its punishment for theft of electricity and from its liability to pay the outstanding bill amount to the Respondent. 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 52 (iv) of DERC Supply Code, 2007**

**Regulation 52 (iv)** is as follows: -

*As per the above Regulation, the Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format.*

**b) Violation of Regulation 52 (ix) of DERC Supply Code, 2007**

**Regulation 52 (ix)** is as follows: -

*The report shall be signed by the Authorized Officer and each member of the inspection team and the same must be handed over to the consumer or his/her representative at site immediately under proper receipt. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the Consumer under Registered Post.*

The Petitioner alleged that no report was made on site and all the reports were prepared by sitting at office. He has further alleged that no report was handed over to the Petitioner or pasted at a conspicuous place in the premises or was sent to the consumer under a registered post.

The Respondent has clarified that the Inspection report, Meter details report, load report in the form of Assessment of Connected load and Seizure Memo dated 19.3.2015 was prepared on site, however, the Petitioner refused to sign and receive the inspection reports, when asked to receive from distance and ran away from the premises. Subsequently, the same was sent through registered post vide Dispatch No. ED829693075IN.

The Commission observed that there is no proof on record to establish that the Respondent has made the Report on site and that attempts were made to hand

over the report to the Petitioner. It is further observed that dispatch date is 28.03.2015 whereas the inspection was conducted on 19.03.2015. Therefore, the report was sent after 9 days of inspection whereas it has to be sent simultaneously. Hence, it appears that the Respondent has contravened the provisions of Regulations 52(iv) and 52 (ix) of DERC Supply Code, 2007.

**c) Regulation 52 (vii) of DERC Supply Code, 2007**

**Regulation 52 (vii)** is as follows: -

*In case sufficient evidence is found to establish direct theft of electricity, Licensee shall disconnect the supply and seize all material evidence including wires/cables, meter, service line etc., from the premises and within two days from date of inspection, file a case against the consumer in designated Special Court as per the provisions of section 135 of the Act.*

The Petitioner has alleged that the Respondent has failed to file a case before the designated Special Court of Electricity within two days from the date of inspection.

The Commission observed that the Respondent failed to file a case against the consumer in the special court of electricity within 2 days from the date of inspection i.e. on 19.03.2015. The Respondent's submission that it had already filed a complaint case before designated Special Court of Electricity, Saket on 21.08.2016 registered vide CC No. 643569/2016 clearly indicated that it was filed after 521 days from the date of inspection. Hence, the Respondent has apparently contravened the provisions of Regulation 52 (vii) of DERC Supply Code, 2007.

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**