

DELHI ELECTRICITY REGULATORY COMMISSION

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

In the matter of:

Sh. Mohinder Paswan,
130, Sukh Dev Vihar,
New Delhi – 110 025.

.....**Complainant**

VERSUS

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

.....**Respondent**

Coram:

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

Appearance:

1. Sh. S. C. Sharma, Addl. GM(BRPL).
2. Sh. S. K. Kansal.
3. Sh. Sachin Gupta, BM(HKZ).
4. Sh. Mahinder Paswan, Complainant

ORDER

(Date of Hearing: 16.01.2007)
(Date of Order: 13.02.2007)

1. The present complaint has been forwarded by the CGRF recommending imposition of penalty upon the Respondent for delay in submitting the action taken report by the Licensee.
2. The brief background of the case is that the Complainant Sh. O. P. Gupta who was the authorised signatory of the Complainant i.e. Smt. Sushma Bansal, W/o Sh. Vinod Bansal in whose favour Mr. Mohinder Paswan executed his will, filed the complaint on 04.01.2004 before the CGRF alleging that the Respondent was raising bills against the Complainant on average basis and prayed to the Forum to direct the Respondent to prepare the bills on the basis of actual consumption.
3. The Complainant also stated before the CGRF that he purchased the property from Sh. Mohinder Paswan in whose name the electricity connection was registered. The said flat was lying vacant for a

considerable period so the meter had recorded very little consumption. To substantiate his point before the CGRF the Complainant furnished the bills of November, 2004 and January, 2005 indicating reading of 616 units on 20th September, 2004 and of 700 units on 19th November, 2004.

4. The Complainant submitted that the meter was functioning properly and that the Respondent had issued a bill of Rs. 14,000/- on an average basis.
5. The Respondent before the CGRF submitted that the meter was virtually stuck on reading 944 as recorded on 12.02.2005 and on testing it was observed that the meter was defective.
6. The CGRF, vide its interim Order dated 06.05.2005, observed that it could not be established that the old meter was defective and directed the Complainant to file an affidavit that the premises were lying vacant for the specific period so that the bills could be issued on minimum guarantee charges.
7. The CGRF vide its final Order dated 24.08.2005 further directed the Respondent to revise the bills w.e.f. December, 2002 to the date of occupation of the premises by Sh. Mehar Singh, the present occupier, and issue the bills on the basis of actual reading as may be available on records in accordance with the provisions of tariff for the relevant years and further, all payments made by the Complainant during this period were directed to be accounted for and accordingly, necessary adjustments were to be given to the Complainant.
8. The Secretary, CGRF in terms of Regulation 9(6) of DERC (Guidelines for establishment of Forum for Redressal of Grievance of the consumers and Ombudsman) Regulations, 2003, sought the action taken report from the Respondent but, not receiving the same even after issuing a reminder on 14.11.2005, the CGRF forwarded the present complaint to this Commission vide its letter dated 05.01.2006 for imposition of penalty for violation of Regulation 9(6) of DERC (Guidelines for establishment of Forum for Redressal of Grievance of the consumers and Ombudsman) Regulations, 2003 against the Respondent.
9. A show-cause notice was issued to the Respondent on 01.11.2006 by this Commission but, the Respondent filed its reply only on the date of hearing i.e. 16.01.2007 whereas, in terms of the show-cause notice, they were

supposed to file the reply within three weeks from the issue of the notice i.e. by 22.11.2006.

10. In reply to the show-cause notice, it has been submitted by the Respondent that as per the order of CGRF the consumer was to be charged on the basis of actual reading available as per records, in accordance with the provisions of tariff for the relevant years. They have further submitted that all payments made by the Complainant during this period would be duly accounted for and necessary adjustment would be given.
11. The Respondent further submitted that in terms of the Order of CGRF the bill was revised in the second week of September 2005 with a manual entry in records and further, the ATR (Action Taken Report) was also submitted to the CGRF vide their letter dated 21.11.2005 and again on 16.01.2006. They also annexed a copy of the letter dated 16.01.2006. Even if the version of the Respondent is accepted, it is quite evident that the ATR was not submitted within the time stipulated under Regulation 9(6) of DERC (Guidelines for establishment of Forum for Redressal of Grievance of the Consumers and Ombudsmen) Regulations, 2003, and thus, violated the said Regulation.
12. The Complainant submitted before the Commission that he has been unnecessarily harassed by the Respondent and even the order passed by the CGRF has not been duly complied with.
13. Sh. S. C. Sharma, authorised representative of the Respondent, submitted before the Commission that the ATR was submitted to the CGRF stating therein that the bills of the Complainant had been revised on 07.10.2005 in terms of the Speaking Order passed by CGRF and the correct bill is for an amount of Rs. (-10,278.28).
14. Both the parties have been heard and it is observed that the Complainant has been harassed by the Respondent for long. It is only when he approached the CGRF that his grievance was redressed. It is established that the provisional bills have been raised by the Respondent against the Complainant. Moreover, it has also been observed that the Respondent are not responding to the show-cause notice issued by this Commission well in time. It is not the only case where reply has not been filed in time but, there are other cases also where the reply was filed only

after inordinate delays. The reply submitted is also not in accordance with the Regulations issued by the Commission in this regard.

15. In view of the above, the Commission decides to impose a penalty of Rs. 10,000/- (Rupees Ten Thousand only) against the Respondent on account of the violations/non-compliance referred above with the direction to deposit the same within three weeks from the date of this Order. The Respondent are further directed to adhere to the time schedule for filing replies in future and also ensure that such replies are strictly in accordance with the Regulations 14 & 15 of the DERC Comprehensive (Conduct of Business) Regulations, 2001.

Sd/-
K. Venugopal)
MEMBER

Sd/-
(R. Krishnamoorthy)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN