

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

F.11 (1312)/DERC/2015-16

Petition No. 82/2015

In the matter of: Petition filed under section 142 of Electricity Act, 2003

And

In the matter of:

M/s A.K. Mehta & Co.,
Shri A.K. Mehta (Director)
Contractor, Mega Housing Group,
V-279, Rajouri garden,
New Delhi – 110027

.....**Complainant**

VERSUS

BSES Rajdhani Power Ltd.
Through its: **CEO**
BSES Bhawan
Nehru Place
New Delhi-110019
F.11 (1249)/DERC/2015-16

.....**Respondent**

Coram:

Sh. J.P. Singh, Member & Sh. B. P. Singh, Member

Appearance:

1. Shri NK Nagar, Advocate for the Petitioner;
2. Shri P.K. Gupta, Sr. Manager, BRPL.
3. Shri Deepak, Advocate for Respondent.

INTERIM ORDER

(Date of Hearing: 07.01.2016)

(Date of Order: 20.01.2016)

1. The instant petition has been filed by M/s A.K. Mehta & Co., through its director Shri A.K. Mehta, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. A notice of the petition was issued on 06.11.2015 to Respondent to file its reply.

3. In response to the above notice, the Respondent filed its reply on 06.01.2016.
4. The matter was heard on 07.01.2016 and on the basis of pleadings and oral submissions of both parties and considering the material available on the record, the petition was admitted as it was observed that there exist a prima-facie case for the following violations:-

a) Violations of Regulation 38 (c) of DERC Supply Code, 2007

Regulation 38 (c) provides that:-

The consumer shall be informed of proposed date and time of testing at least two days in advance.

The Commission observed that no information was given to the Consumer about testing of meter in Lab. Hence, it appears that the Respondent has contravened the provisions of Regulation 38 (c) of DERC Supply Code, 2007

b) Violations of Regulation 52 (viii) of DERC Supply Code, 2007

Regulation 52 (viii) provides that:-

In case of suspected theft, the Authorised Officer shall Remove the old meter under a seizure memo and seal it in the presence of the consumer/ his representative. The Licensee shall continue the supply to the consumer with a new meter. The old meter shall be tested in a NABL accredited laboratory and the laboratory shall give a test report, in writing, which along with photographs/ videographs shall constitute evidence thereof.

As per Regulation, it is mandatory on the part of the Respondent to prepare Seizure memo when the inspection was conducted. However, the Commission observed that the Respondent failed to produce evidence of Seizure memo when the inspection was conducted. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

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

Regulation 52 (ix) provides that:-

..... 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 Commission observed that the inspection report was neither pasted in/outside the premises nor it was sent through a registered post to the complainant. Hence, the Respondent has apparently contravened the aforesaid provisions of Regulation 52 (ix) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

d) Violation of Regulation 53 (ii) of DERC Supply Code, 2007

Regulation 53 (ii) provides that:-

.....During the personal hearing, the Licensee shall give due consideration to the facts submitted by the consumer and pass within three days, a speaking order as to whether the case of theft is established or not. Speaking order shall contain the brief of inspection report, submissions made by the consumers in his written reply and oral submissions during personal hearing and reasons for acceptance or rejection of the same.....

In this regard, it has been observed that the personal hearing was held on 06.10.2009. However, the speaking order was issued on 04.12.2009 i.e. after 3 days from the date of personal hearing. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

e) Violation of Regulation 53(iv) of DERC Supply Code, 2007

Regulation 53(iv) provides that:-

Where it is established that there is a case of theft of energy, the Licensee shall assess the energy consumption for past twelve (12) months as per the assessment formula given in ANNEXE-XIII and prepare final assessment bill on two times the rates as per applicable tariff and serve on the consumer under proper receipt.

The Commission observed that bills submitted by the Petitioner and by the Respondent for assessment of theft are different and it needs a clarification whether correct LDHF formula was used for assessment of energy or not. Hence, it appears that the Respondent has contravened the provisions of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

5. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act,

2003, for violating the above-mentioned Regulations should not be taken against it. The Respondent is directed to file its reply within four weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.

6. Take notice that in case the Licensee above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Licensee has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
7. The next date of hearing shall be intimated to the parties in due course.
8. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member