

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.

No. F.11 (26)/DERC/2002-03/

Dated : 22.1.2004

Petition No. 15/2003

In the matter of :

Petition under Section 11 of the Delhi Electric Supply Reforms Act 2000 in the matter of Bifurcation of Electricity Load – 'Furnace Load' and 'General Industrial Load'.

AND

In the matter of : M/s Automotive Enterprises,Petitioner
Vs.
1. North Delhi Power Ltd.
2. Delhi Power Co. Ltd.Respondents

Present:

Mr. Chand Bhardwaj, Proprietor/Petitioner
Mr. P.K. Gupta, Advocate for Petitioner
Mr. N.K. Kaushik, Manger, M/s Automotive Enterprises
Mr. R.C. Kher, GM (Comm.), NDPL for Respondent
Mr. Hemant Gupta, Advocate for Respondent no.1
Mr. Rajeev Kharyal, HOG, NDPL for Respondent no. 1
Mr. Vivek Singlha, Manager, NDPL for Respondent no. 1
Mr. Varun Sharma, Officer, NDPL for Respondent no.1

O R D E R

(Date of Hearing – 20.1.2004)

In the instant petition filed before the Commission, the Petitioner has submitted that he was granted an electricity load of 260 HP for the manufacturing of piston rings etc. This load was further enhanced to 1,013 KvA during 1989, which comprised of furnace load of 341 KvA.

There was a steep hike in furnace tariff w.e.f. April 1989 wherein tariff was raised from Rs. 40/- per KvA to Rs. 340 per KvA and then further enhanced to Rs. 672 per KvA. It is submitted by the Petitioner that he had been paying his electricity bill regularly on the total load at higher tariff. The Petitioner has also stated that during the time when the Petitioner was operating his entire unit there was only one meter for the aforesaid load.

The unit of the Petitioner was damaged on 21.5.1993 and the furnace was removed from the factory premises and the unit is lying idle since then. The Petitioner had surrendered his entire sanctioned load to the DVB. It is also admitted by the Petitioner that last electricity bill for the month of May 1993 of Rs. 7,40,000/- (Approx.) was still outstanding, pending the clarifications on the bifurcation of load.

The Petitioner has brought to the notice of the Commission that in the case of M/s Karan Motors the Distribution Company i.e. M/s BSES Ltd. has bifurcated the furnace load and the general load. The Petitioner has produced a Sanction Order dated 11.10.2002 to this effect.

The Petitioner has submitted that in view of his submissions, his electricity load may be bifurcated w.e.f. April 1989 and his bill may be adjusted accordingly. The Petitioner has also prayed for restoration of electricity connection to his premises.

Mr. Hemant Gupta, Advocate and Mr. R.C. Kher, G.M. (Comm.) appearing on behalf of Respondents no.1 submitted that the Petitioner was given a connection under an agreement and the load sanctioned was not disputed at the time of installation of the connection. Electricity bills were raised on the Petitioner as per the tariff applicable at that time. The Petitioner has also made payment under that agreement and therefore, he is estopped at this stage from denying his liabilities under the agreement. The Respondent has also submitted that there are outstanding arrears against the Petitioner for non-payment of the bill raised at the relevant time and he is also liable for payment of 'late payment surcharge' thereon.

The petitioner has asserted that since one of the similarly placed manufacturing unit, M/s Karan Motors were given an electricity connection after bifurcation of furnace load and general load on the same basis the petitioner's load may also be rationalised and the benefits as may accrue thereon made be adjusted from the amount due from the petitioner.

The Respondents contend that during the period when the petitioner was operating his unit there was no policy or practice to bifurcate the furnace load and the petitioner does not dispute the averment of the Respondents. Since the Petitioner has not been able to establish that there was any policy or practice of bifurcation of load for Arc furnace and general load during 1989 to 1993, when the Petitioner was operating his manufacturing unit, the Petitioner cannot agitate any such issue at this stage.

In view of the foregoing, it is established that at the time when the petitioner was operating his unit, i.e., from 1989 to May 1993, there was no practice or policy for bifurcation of the furnace load. The claim of the petitioner is also not supported by the reference to the Karan Motors' case since the bifurcation of load, as done in this case for either because of any change in policy or otherwise, cannot have retrospective applicability.

The Petitioner has prayed that the amount outstanding against him may be negotiated with the Respondents. The Commission is not a forum to negotiate any compromise. The petitioner is at liberty to negotiate with whatever body it thinks fit regarding the issues of outstanding amount towards the electricity bills.

This petition is disposed off accordingly.

Sd/-

(V.K. SOOD)

Chairman