Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017

No. F.11(586)/DERC/2010-11/C.F.No.2578/384

Petition No. 68/2010

In the matter of: Complaint under Section 142 of the Electricity Act, 2003.

AND

In the matter of:

Smt. Prakash Kumari
W/o Sh. Dal Chand
D-17-A, Gali No. 1,
South Anarkali, Krishna Nagar,
Delhi-110 051 **...Petitioner**

VERSUS

BSES Yamuna Power Limited
Through its : **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi-110 092 **....Respondent**

Coram:

Sh. P.D. Sudhakar, Chairperson, Sh. Shyam Wadhera, Member &
Sh. J.P. Singh, Member.

Appearance:

1. Sh. Manish Srivastava, Advocate, BYPL;
2. Sh. Pawan Kr. Mahur, Officer (Legal), BYPL.

ORDER

Date of Hearing: 13.03.2012
(Date of Order: 24.04.2012)

1. The present complaint has been filed by Smt. Prakash Kumari, W/o Sh. Dal Chand, R/o D-17-A, Gali No. 1, South Anarkali, Krishna Nagar, Delhi – 110 051. She is the registered consumer of Respondent Company having K.No. 1120R7290197 and having 0.500 KW Sanctioned load for domestic purpose.

2. The brief matrix of the case is as under:

i. On 17.11.2009, the BYPL representatives visited the premises of the Complainant for changing the meter as the meter display was not working.

ii. The team observed that the meter day and time was found disturbed. It seems that ESD/HF coil was applied on meter externally by the consumer to manipulate the consumption recorded by the meter. Meter was sent to lab for further testing. At the time of inspection the total connected load was found 11.411 KW against sanctioned load of 0.5 KW.

iii. The complainant was served show cause notice at site by the inspecting team but complainant has alleged that it was sent by post and received by her on 04.12.2009. The complainant was asked to appear for personal hearing on 05.12.2009, and this was attended by the Complainant.

iv. On 07.02.2010, the consumer received an ex-party speaking order with DAE bill of Rs. 48,554/-. It was mentioned in speaking order that as per lab report dated 10.12.2009, meter RTC date is shown as 02.01.2000 whereas the actual date was 11.12.2009. However, meter MD history date found occurred more than once in a month. Meter ID found disturbed. Meter KWH reading found reset. Lab concluded that meter got disturbed, which indicates that meter is frequently subjected to abnormal external disturbances. The average consumption pattern as per computer module works out to be 28.50% which is less than the prescribed limit of DERC which corroborates the findings. In view of the above findings the Assessing Officer established the case of DAE and passed the order against the consumer taking cognizance of Regulations 52 and 53 of Supply Code 2007 and subsequently raised the above bill.

v. The complainant has refuted the above charges of the Respondent on the ground that since no physical evidence has been found against her which can establish theft, therefore the Respondent

cannot make a case under section 135 of the Electricity Act against her and hence the same may be dropped.

vi. The complainant has further stated that seals of the meter were found O.K., therefore, she should not be held responsible for any fault of LCD/LED.

vii. The Respondent in its reply to the above complaint has challenged the jurisdiction of the Commission on the ground that the adjudication of the instant case falls under the jurisdiction of the Special Court under Section 154 of the Electricity Act, 2003. It has also challenged the jurisdiction of the Commission stating that the Commission is not the appellate authority of the Assessing Officer.

viii. Through an affidavit dated 10.02.2012, the Respondent has sought disposing off the above complaint stating therein that this matter has been settled before the Special Lok Adalat conducted by the Delhi State Services Authority on 12.12.2010.

3. The above matter was listed for hearing on 13.03.2012 in the Commission. None appeared on behalf of the complainant, while the above mentioned officials appeared on behalf of the Respondent. After hearing the representatives of the Respondent, Commission disposed off the above complaint in terms of settlement of the above dispute before Special Lok Adalat conducted by Delhi State Service Authority on 12.12.2010.

4. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(J.P. Singh)	(Shyam Wadhera)	(P.D. Sudhakar)
MEMBER	MEMBER	CHAIRPERSON