

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

Ref. F.11(665)/DERC/2010-11/

Petition no.11/2011

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

AND

In the matter of :

Rajeev Gupta
Plot No. C-5, Kh.No.17/13
New Mandoli Ind. Area
Delhi.

...Complainant

VERSUS

M/s. BSES BYPL
Through its: CEO
Shakti Kiran Building
Karkardooma Court
Delhi.

....Respondent

Coram:

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

ORDER

(Date of Order: 09.08.2011)

Appearance:-

- i) Suraj Aggarwal, Authorized rep. of Rajeev Gupta.
- ii) Surendra Singh, Authorized rep. of Rajeev Gupta.
- iii) Manish Srivastava, Advocate on behalf of Respondent.

1. The present complaint is based on the reference made by the CGRF BYPL vide its letter no. dated 03.02.2011 for initiating penal proceedings u/s 142 of the Electricity Act-2003 against the Respondent for non-compliance of Regulations 17 &18 of the Supply Code Section, Regulation 11 of DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) Guidelines, 2003 and Section 43 of Electricity Act 2003.

The Gist of the case is given as under:-

2. That the complainant had applied for a connection of 52 KW load under NDLT category and the respondent company, vide its letter dated 01.06.2010, asked for certain documents to be submitted by the consumer. Accordingly, the required documents were submitted by the consumer vide his letter dated 02.06.2010, but no demand note was issued by the respondent company.
3. Against the rejection of above application of complainant under SIP category on L.T. system on the ground that there did not exist a distribution network in the area meant for such a large load the above complainant filed a complaint before the CGRF who in turn vide its order

dated 26.11.2010 and keeping in view the provisions of Section (43) of the Electricity Act, 2003 under which the licensee has a duty to supply on request of prospective consumers and Regulation (17) of the Supply Code, issued by DERC (page 199 of DERC Supply Code), under which the licensee is required to take action for augmentation of its existing capacity, if needed for releasing new connections, CGRF directed the respondent company to take action as under:-

- i) To initiate immediate action for allotment of land from the concerned land/revenue agency for setting up of new grid sub-station in the industrial area under intimation to DERC as per requirement of Regulation (18) of the Supply Code for meeting the long term power requirement of this area.
 - ii) Pending setting up of new grid sub-station in the industrial area, company may lay a new 11 KV feeder from Nand Nagri sub-station to this industrial area to meet the immediate requirement of power as stated by the representative of the company in the similar case of Rajeev Gupta during the course of hearing/arguments. The release of demand notes to the pending/new applicants shall, however, not be withheld on this account as the existing 11 KV feeder has some spare capacity (carrying capacity being 300 Amps. against the reported peak load of 264 Amps.) and, therefore, the work of releasing new connections and laying the new 11 KV feeder can go on simultaneously.
 - iii) Pending/new LT connections be released in the industrial area by installing pole mounted distribution transformers. If however, the approval of the electrical inspector for installing pole mounted distribution transformers is refused in writing due to technical reasons, the company may request the concerned consumers for providing space for installation of distribution transformers in their premises. For HT connections, already the consumers are required to provide space in their premises as per Supply Code.
 - iv) The release of all pending/new connections will be subject to completion of necessary commercial formalities as per DERC Supply Code and also subject to the consumers obtaining necessary statutory clearances.
4. Commission after taking cognizance on the communication of CGRF have issued notice of hearing on dated 2nd June, 2011 directing therein the Respondent BYPL to show-cause as to why they have failed to comply with the order of CGRF dated 26-11-2010, which tantamount to violation of Regulation-11 of Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman) Regulations 2003.

Hearing in the Commission

5. Hearing in the Commission held on 2nd August, 2011 where both the parties were present.
6. At the outset of hearing, the Respondent informed that they have filed a writ petition No. WPC 5397 of 2011 and CM No.11005/11 before Hon'ble High court of Delhi assailing therein the impugned order of CGRF dated

26.11.2010 . The above matter was listed for hearing on 01.08.2011 in the Hon'ble Court before Single Bench of Hon'ble Mrs. Justice Hema Kohli, wherein while passing the interim order she stayed the operation of impugned order dated 26.11.2010 of CGRF, till the next date of hearing, subject to the petitioner (licensee) here in the above petition as Respondent shall intimate in writing to the above Respondent herein the instant petition as Complainant, all requisite formalities to be completed for grant of temporary LT. electricity connection at the subject premises, in respect of which the tariff shall be payable by the consumer on permanent L.T. basis and also subject to supply of electricity at the subject premises within a period of one week from the date of completion of the aforesaid formalities.

7. In the light of the above development and keeping in view of the pendency of the above Writ Petition in the Hon'ble High Court of Delhi on the same issue and thereby staying of the order of the CGRF by the Hon'ble Court, non-compliance of which is the subject matter of the present complaint, the Commission has decided to defer the hearing of the instant case sine-die, with the direction to the Registry to list the matter only after finalization of above case in the Hon'ble High Court of Delhi.

8. Ordered accordingly.

Sd/-
(J. P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P. D. Sudhakar)
CHAIRMAN