

## **DELHI ELECTRICITY REGULATORY COMMISSION**

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

F.11 (1264)/DERC/2015-16

### **Petition No. 54/2015**

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

**And**

**In the matter of:**

Rajinder Singh Ahuja,  
C6B-69, Janakpuri,  
New Delhi – 110058

.....**Complainant**

VERSUS

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

.....**Respondent**

**Coram:**

**Sh. P. D. Sudhakar, Chairperson & Sh. B.P. Singh, Member**

### **Appearance:**

1. Petitioner in person;
2. Shri S Bhattacharya, DGM, BRPL.
3. Shri Manish Srivastava, Advocate for Respondent.

### **INTERIM ORDER**

(Date of Hearing: 16.10.2015)

(Date of Order: 23.12.2015)

1. The instant petition has been filed by Sh. Rajinder Singh Ahuja, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in Regulations of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Notice was issued on 22.07.2015 to Respondent to file its reply.
3. In response to the notice, the Respondent filed its reply on 23.09.2015, and has sought dismissal of the above complaint on the following grounds:

- i. The complainant is addressing various forums and is seeking relief from all of them.
  - ii. Consumption records for the period 23.10.2013 to 26.09.2014 showed an average recorded consumption of 149 units per month, which has been found to be only 46.81% of the assessed consumption.
  - iii. Complaint case has been filed before the especial court of Electricity, Tis Hazari on 13.02.2015. The same has been registered vide CC No. 451/2015 and listed for further proceedings on 21.01.2016.
4. The matter was heard on 16.10.2015 and on the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission decided that the petition was admitted as there exists a prima-facie case for the following violations:-

**a) Violations of Regulation 52 (viii) read with Regulation 38 (c) of DERC Supply Code, 2007**

Regulation 52 (viii) provides that:-

*....the old meter shall be tested in a NABL accredited laboratory lab for testing and the laboratory shall give a test report, in writing,*

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 the meter was tested in the absence of complainant. The complainant had no prior information about testing of meter in Lab. The Respondent clarified that intimation about meter testing in Lab, was sent to the complainant vide letter dated 31.10.2014 for witnessing the Lab testing on 13.11.2014. Since the consumer failed to appear on the scheduled date, the meter was tested on 26.11.2014. In such a situation, the respondent would have given notice for meter testing on a subsequent date also. Therefore the Respondent has apparently contravened the provisions of Regulation 52 (viii) read with Regulation 38 (c) of DERC Supply Code, 2007

**b) 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. The Respondent clarified the Consumer refused to sign the inspection report and hence, the same was sent through speed post. However, no copy of postal receipt/Dispatch details or proof of delivery is attached along with the reply of the Respondent. Hence, the Respondent has apparently contravened the aforesaid provisions of Regulation 52 (ix) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

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

Provision to Regulation 52 (ix) provides that:-

*Provided that, in case of suspected theft, if the consumption pattern for last one year is reasonably uniform and is not less than 75% of the assessed consumption, no further proceedings shall be taken and the decision shall be communicated to the consumer under proper receipt within three days and connection shall be restored through original meter.*

The Commission observed that on subsequent inspection of premises on 06.06.2015, the connected load was found to be 3.025KW. Hence, the Respondent has apparently contravened the aforesaid provisions of DERC Supply Code, 2007 by way of not analyzing the consumption pattern.

**d) Violations of Regulation 52 (x) of DERC Supply Code, 2007**

Regulation 52 (x) provides that:-

*.....the Licensee shall, within seven days of inspection, serve on the consumer a seven days show cause notice giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply to be submitted...*

In the instant case prima facie it appears that the Respondent has violated the above provision by way of not serving a show cause notice

within seven days of inspection and the Show cause notice was issued on 03.02.2015 i.e. after 19 days of inspection dated 13.01.2015. Hence, the Respondent has apparently contravened the abovementioned provisions of DERC Supply Code, 2007, by way of not serving a show cause notice within seven days of inspection.

5. In view of the aforesaid, the Respondent is hereby directed to show cause as to why action u/s 142 of the Electricity Act, 2003 should not be taken against it for prima-facie violation of above Regulations. The Respondent is directed to file its reply within four weeks from the receipt of this notice and to serve a copy of the same 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/-  
(P. D. Sudhakar)  
Chairperson