

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

F.11 (1249)/DERC/2015-16

Petition No. 45/2015

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

And

In the matter of:

Rajni Pasi
W/o Deepak Pasi
B-38 Lajpat Nagar-II,
New Delhi

.....**Complainant**

VERSUS

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

.....**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.

INTERIM ORDER

(Date of Hearing: 07.01.2016)
(Date of Order: 20.01.2016)

1. The instant petition has been filed by Smt. Rajni Pasi 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 15.06.2015 to Respondent to file its reply.
3. In response to the above notice, the Respondent filed its reply on 12.08.2015.

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 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. Therefore the Respondent has apparently contravened the provisions of Regulation 52 (viii) read with Regulation 38 (c) of DERC Supply Code, 2007

b) 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 06.05.2013 i.e. after 14 days of inspection dated 22.0-4.2013. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

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

Regulation 52 (xii) provides that:-

Theft of electricity may be established by analysis of metering data downloaded by a third party authorized laboratory. In case theft of energy is determined by way of meter down load, the show cause notice will be sent to the consumer/user.

The Commission observed that the above Regulation provides that the theft of electricity may be established by analysis of metering data downloaded by a third party authorized laboratory. However, in the instant case it appears that the DAE case was established only on the basis of some observations in the Lab report and no metering data downloaded by a third party Lab. Hence, it appears that the Respondent has contravened the provisions 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 21.05.2013. However, the speaking order was issued on 30.05.2013 i.e. after 9 days from the date of personal hearing. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 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