

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

Petition No. 17/2007

In the matter of:

Shri Rakesh Uppal
S/o. Shri B. M. Uppal
H 17/4, Malviya Nagar
New Delhi – 110 017.

.....**Complainant**

Through: Shri Ashok Kumar, Advocate,
G-14/6, FF, Malviya Nagar, New Delhi – 110 017.

VERSUS

BSES Rajdhani Power Ltd.
Through: its **CEO**
BSES Bhawan,
Nehru Place,
Delhi-110 019.

.....**Respondent**

Coram:

Sh. Berjinder Singh, Chairman & Sh. K. Venugopal, Member

Appearance:

1. Sh. Ashok Kumar, Advocate on behalf of the Complainant.
2. Sh. Anil Uppal, Complainant.
3. Col. R. Tandon, OSD, BRPL.
4. Sh. Sita Ram.
5. Smt. Renu Antony, Manager, Customer Care, BRPL.
6. Sh. S. K. Kansal.

ORDER

(Date of Hearing: 15.05.2007)
(Date of Order: 06.06.2007)

1. The Petitioner through this Petition has filed a complaint under Section 142 of the Electricity Act, 2003. The brief facts of this case are that the premises of the Complainant was sealed on 20.12.2000 by the DDA. However, the said building was de-sealed on 07.12.2005 and during this period, the Complainant did not receive any bill against the electricity connection in the abovementioned premises. It is stated that the meter was read twice after the de-sealing but no bills were raised.

2. It is stated that on 13.06.2005, the electricity went off in the premises and the Complainant lodged a report with the Respondent Licensee on the very same day. The next day, the representative of the Respondent Licensee visited the premises and informed the Complainant that the meter got burnt and also made a direct connection by by-passing the burnt meter. Further, the Complainant was informed that he has to deposit a certain amount to get the new meter installed. It is submitted by the Complainant that he approached the Respondent Licensee, but without any result. It is stated that on 16.06.2005, a vigilance team visited the premises of the Complainant and took away the burnt meter despite the fact they were apprised that a complaint has been lodged with the Respondent Licensee for the burnt meter. The Complainant submits that he has been visiting the office of the Respondent but, there was no response from the Licensee. On 17.06.2005, the Complainant received a bill for an amount of Rs. 31,312/- and thereafter he received another bill of Rs. 1,73,262/-.
3. The Complainant approached the office of the Respondent seeking clarification for the said bills. He cleared the first bill of Rs. 31,312/- on assurance from the Respondent Licensee that the meter would be installed, but the meter was not installed. Thereafter, the Complainant was informed that he has been found indulging in direct theft of energy and, therefore, he is liable to pay a sum of Rs. 1,73,262/-. Later, the Respondent Licensee filed a complaint before the Special Court of Electricity for the alleged theft of electricity.
4. It is submitted by the Complainant that to avoid inconvenience, he compromised by settling the dispute before the Ld. ADJ (Special Court). The Complainant was assured that soon the Respondent will install the new meter. Even after paying a sum of Rs. 1,00,000/- to the Licensee to settle the matter before ADJ, the Licensee did not provide any meter to the Complainant. The Respondent informed the Complainant that there is another pending bill against the Complainant amounting to Rs. 1,73,000/- which has to be cleared before getting the connection energised. The Complainant again moved an application to the ADJ seeking directions for installation of the new meter, but the Ld. Court dismissed the application of the Complainant with the direction to approach the appropriate Forum for relief.

5. In view of the above circumstances the Complainant has filed the present application before the Commission seeking imposition of penalty on the Licensee for violating the Regulations of the Commission. He has also prayed for setting aside the said bill amounting to Rs. 1,73,262/-. He has requested the Commission to pass an Interim Order to install the meter at his premises and further, direct the Respondent to bring the complaint register, where the entry was made by the authorities that the direct supply was made by the Licensee. The Complainant also prayed for a suitable compensation for the harassment caused by the Respondent Licensee and to pass such Orders as deemed fit.
6. The Licensee has submitted their reply. They have stated that the bill raised on inspection dated 16.06.2005 amounting to Rs. 1,73,262/- has been withdrawn and a revised bill has been prepared for Rs. 14,951/-. It is also informed by the Respondent Licensee that the meter to the premises of the Complainant has been installed and the supply restored. They have also reconciled the records in the presence of Sh. Anil Uppal, the Petitioner. They have further submitted that whatever direction the Commission would give in the matter, that would be acceptable to the Licensee.
7. It is seen from the entire sequence of events that the Licensee has handled this case very capriciously. There is a complete lack of sensitivity on part of the Licensee's officials in this case. The Commission feels that once the complaint has been registered for a burnt meter and the meter by-passed by making direct connection by the officials of the Licensee, then as per the provisions of Regulation 20 (iii) of the DERC (Performance Standards – Metering & Billing) Regulations, 2002, the Licensee has to install a new meter within three days which has not been done in this case. Furthermore, instead of replacing the meter as per the Regulation, the Complainant has been made to undergo the trauma of going through the allegation for theft of electricity. The Commission has already reminded the Licensee time and again to be circumspect in their approach while dealing with matters relating to theft of electricity. The Licensee should first ensure that there is enough evidence to support that the consumer is indulging in theft of electricity, otherwise such allegations cause extreme hardship to the honest consumers. In the present case, it is seen that the matter was compromised before the Special court, therefore, the issues are not relooked into. However, it has been observed

from the reply submitted by the Licensee, that they have revised the bill only after the Complainant filed the application before this Commission. The Commission expresses its deep discontentment for the irresponsible manner in which the Licensee has handled this case.

8. In view of the above facts and circumstances, the Commission directs the Licensee to pay a sum of Rs. 10,000/- as a token compensation to the Complainant. The Commission also decides not to impose any penalty under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's Regulations in this case since the matter was settled in the Special Court. The Commission further directs the Licensee to be circumspect in dealing with the cases relating to theft of electricity, so that the honest consumers are not put to unnecessary harassment. The amount, mentioned above, shall be paid within four weeks from the date of issue of this Order and compliance report be submitted to the Commission.
9. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN