

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

No. F. 11(808)/DERC/2012-13/3455/

Petition No. 20/2012

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

In the matter of:

S K Maheshwari
17, F.I.E Patparganj Industrial Area
Opp. Hasanpur Depot
Delhi-110092

...Petitioner

Versus

M/s BSES Yamuna Power Ltd.
Through its: CEO
Shakti Kiran Building
Karkardooma
Delhi-110092

...Respondent

Coram:

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

Appearance:

1. Petitioner in person;
2. Sh. A K Datta, Advocate for Petitioner;
3. Sh. Mridul Jain Advocate for Petitioner;
4. Sh. Manish Srivastava, Advocate for Respondent;
5. Sh. Imran Siddiqi, Legal Officer, BYPL;
6. Sh. Prasant Mehra, Sr Manager, BYPL;
7. Sh. K. Datta, Advocate for Respondent, BYPL

ORDER

(Date of Hearing: 11.09.2014)

(Date of Order: 26.09.2014)

1. The matter is regarding, suo – motu action u/s 142 of the Electricity Act, 2003 on the complaint filed by Sh. S. K. Maheshwari whereby it was alleged that information related to power outage (no current time) was not given in certain bills issued to the Complainant.
2. A Show Cause Notice dated 15.05.2012 was issued to the Respondent. The Respondent filed its reply to the above complaint vide its letter dated 20.07.2012, wherein the Respondent denied the charges of violation in

terms of Section 142 of the Electricity Act, 2003 and stated that the allegations made by the complainant are false and fabricated.

3. The Respondent had also filed additional affidavit stating that AMR data relating to power off could not be downloaded due to technical reasons and only CMRI reading could be downloaded due to which "no current time" could not be mentioned in the said bills. The Respondent has also filed copies of electricity bills for the period October 2011 and December 2011 wherein "no current time" was available.
4. In response to reply submitted by the Respondent, the Complainant filed an application u/s 340 CrPC for allegedly filing forged bills before the Commission. The complainant has alleged that the bills served to the complainant by the Discom have no information about power outage (no current time) whereas the bills submitted by the Respondent before the Commission for the same period have mention of power outage. He alleged that it was a case of forgery and action may be taken under Section 340 of CrPC, 1973.
5. Vide Interim Order dated 01.02.2013, the Commission found that the Respondent has violated the directions issued by the Commission in its letter No.F.7(40)/DERC/2006-07/138 dated 15.04.2010 and letter No.F.7(40)/DERC/2006-07/3555 dated 15.11.2010, by not providing "no current time" in the electricity bills which is mandatory on his part. The Commission has further observed that sending current bill for the month of January 2013 giving no details of "no current time" by the Respondent to the Complainant shows that the Respondent is not serious in remedying the complaint of the Petitioner and is wilfully violating the direction of the Commission. To keep system up-date is the prime responsibility of the Respondent and any excuse of system failure repeatedly is neither acceptable nor can be allowed. Hence, the Commission observed that the Respondent has not only violated the directions of the Commission by not providing the above data in the bill but has failed to keep its system upto-date/technically viable. The Commission vide its aforesaid Order imposed a penalty of Rs. 90,000/- on the Respondent for nine such violations of not providing "No current time" in the bills of the Complainant.

6. The Respondent paid the amount of penalty on 30.10.2013.
7. The matter was listed for hearing for final disposal on 11.09.2014, which was attended by the petitioner and Counsel/representatives of the Respondent. During the hearing, the Complainant has requested the Commission to take action against the Respondent under Section 340 of CrPC, 1973, for alleged submission of forged bills.
8. The Respondent explained that such discrepancy occurred due to error and further submitted that:
 - a) As per process, 1st billing data of consumer is uploaded in the consumer system and thereafter, power off data is uploaded in the computer system for preparation of electricity bills to be sent to the consumers. That uploading of downloaded data in billing network/computer system is done manually by computer operator, i.e. AMR billing downloaded data first and thereafter downloaded data relating to "power off" and both data is merged for purposes of preparation of electricity bill to be sent to the consumer.
 - b) Due to any technical reason such as data link failure etc, if AMR data could not be taken, the same are taken manually, i.e. through CMRI, "Power off details cannot be extracted through CMRI reading". It is also important to mention herein that when the data is taken through CMRI, Power Off data cannot be uploaded in billing system.
 - c) in the present case, for billing month of October 2011 and December, 2011, billing data was uploaded and since, Power off data cannot be uploaded due to error in said months, and hence, only billing information could be uploaded in the system and the bills were generated on the said basis and due to the said reason the "no supply details" could not be mentioned in the bills for the said period.
 - d) Since, only billing data was uploaded initially and bills were generated, which did not have values for "Power off details".

However, subsequently downloaded data relating to "Power Off" was uploaded and both data were merged for Purposes of preparation of electricity bill and hence, after merging the said data in the computer system. It is submitted that once data is merged, whenever, a print out is taken, it will contain all details of both data i.e. billing (CMRI) as well as AMR (Power Off) and this is the reason that there is difference in the bill.

9. The Commission considered the explanation of the Respondent about the discrepancy in the two sets of bills and observed that the Respondent was amiss by not sending the revised electricity Bills to the complainant once complete data was downloaded, however prima-facie a case of forgery cannot be inferred to, requiring an action under Section 340 of CrPC, 1973.
10. During the hearing, the complainant stated that in his current bills the information about "No Current time" was being given. However some other consumers were still getting bills without information about "No Current time".
11. The aggrieved persons are at liberty to file a separate case before the Commission in such cases.
12. From the statement of the complainant, it is established that the Respondent has rectified the error as much it is related to the billing of the complainant. As already mentioned in Para 4 of the Order, the Respondent has already been penalized for an amount of Rs. 90,000/- (Rs 10,000/- per violation) for violations committed by it.
13. Considering the above facts, the Commission finds that no further intervention is required in the instant matter and the case stands disposed off.
14. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson