

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

No. F.11 (1068)/DERC/2013-14/4192

Petition No. 03/2014

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

In the matter of:

Shri Satish Sharma
C-9/1, Gali No. 7,
Arjun Mohalla
Maujpur, New Delhi – 53

.....**Complainant**

VERSUS

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma
New 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. Shri I U Siddiqui, Legal Officer, BYPL.
3. Shri Munish Nagpal, Sr. Manager, BYPL.
4. Shri Manish Srivastava, Advocate for Respondent.

INTERIM ORDER

(Date of Hearing: 13.11.2014)

(Date of Order: 20.11.2014)

1. The instant petition has been filed by Shri Satish Sharma under Section 142 and 143 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. In his petition, the Petitioner has alleged the following violations:
 - a) **Regulation 52(iii)**-The Respondent failed to produce any proof of identity or visiting card.

- b) **Regulation 52(iv)**-The Respondent failed to prepare any report giving details of inspection of the premises.
 - c) **Regulation 52(vii) and (xi)** - No Show Cause Notice was issued.
 - d) **Regulation 54** - Disconnection of supply was made without any notice or intimation.
3. Notice of the petition was issued on 28.01.2014 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 27.05.2014 and has sought dismissal of the above complaint on the ground that the Commission has no jurisdiction to adjudicate the complaint relates to theft of electricity which is to be adjudicated by the Special Court neither it can entertain individual dispute like theft of electricity etc. between the licensee and the consumer.
5. The matter was listed for hearing on 29.05.2014, wherein the Counsel for the Petitioner submitted that he has not received the reply from the respondents. A copy of the reply was served to the Petitioner by the Respondent at the time of hearing. The Petitioner sought time from the Commission to file rejoinder. The Commission accepted the prayer of the Petitioner and granted two weeks time to file rejoinder to the reply of the Respondent with a copy to him.
6. The Petitioner filed Rejoinder to the reply of the respondent on 17.10.2014, wherein the Petitioner reiterated the submissions made in the Petition.
7. The matter was listed for hearing on 13.11.2014, wherein the Counsel/representatives of both the parties were present. The Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission is of the opinion that the petition may be admitted as the Respondent prima-facie appears to be responsible for the following violations:-

a) Violation of Reg. 52 (iv) of DERC Supply Code, 2007

Regulation 52 (iv) provides that:-

As per the above Regulation, the Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format.

As per the above Regulation, the Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format. However, the Commission observed that the Respondent failed to prepare any report giving details of inspection of the premises. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

b) Violation of Regulation 52 (vii) of DERC Supply Code, 2007

Regulation 52 (vii) provides that:-

In case sufficient evidence is found to establish direct theft of electricity, Licensee shall disconnect the supply and seize all material evidence including wires/cables, meter, service line etc., from the premises and within two days from date of inspection, file a case against the consumer in designated Special Court as per the provisions of section 135 of the Act.

The Commission observed that the Respondent in his reply to the notice has not mentioned about filing a case against the consumer in the special court of electricity. During the course of hearing the counsel for Respondent stated that an FIR was lodged in the concerned Police Station. However, no documentary evidence was provided before the Commission. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

c) Violation of Regulation 56 of DERC Supply Code, 2007

Regulation 56 provides that:-

While making the assessment bill, the Licensee shall give credit to the consumer for the payments already made by the consumer for the period of the assessment bill. The bill shall clearly indicate the timing, days and place where it is to be deposited. All such payments shall be made by way of Demand Draft/Bank Pay Orders only.

The Commission observed that no credit was given to the consumer for the payments already made by the consumer for the period of the assessment bill. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

8. 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 two 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.
9. 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.
10. The next date of hearing shall be intimated to the parties in due course.
11. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson