

**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. Shri Manish Kumar, Counsel for the Petitioner;
2. Shri I U Siddiqui, Legal Officer, BYPL.
3. Shri Munish Nagpal, Sr. Manager, BYPL.
4. Shri Arav Kapoor, Advocate for Respondent.

**ORDER**

(Date of Hearing: 03.12.2015)

(Date of Order: 23.12.2015)

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. Vide Interim Order dated 20.11.2014, a Show Cause notice was issued to the Respondent for violation of Regulations 52 (iv), 52 (vii) and 56 of Delhi Electricity Supply Code & Performance Standards Regulations, 2007. The Respondent replied to the Show Cause Notice on 17.02.2015.

3. The matter was heard on 03.12.2015 and both the parties submitted their respective versions. Based on the arguments put forth by the parties the Commission's findings are as follows:

**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.*

The Respondent submitted that all inspection reports including connected load report were prepared at the site. It has further submitted that a copy of the seizure memo and enforcement inspection report have already been annexed along with the preliminary reply as has been filed by the Respondent.

However, the Respondent failed to corroborate his claim that the report was made at site, either by providing proof of delivery of such documents through Registered post or to Show that attempts were made to paste those at a conspicuous place in/outside the premises. Therefore, it is apparent that the Respondent has contravened the provisions of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 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 Respondent submitted that the appropriate proceedings was initiated against the complainant. A complaint was lodged at Police Station Zafrabad on 28.10.2013 for registration of FIR under Section 135 of the Electricity Act, 2003.

In this regard, it has been observed that though the Respondent has stated that a complaint was lodged in the concerned Police Station. It is

evident that complaint was filed after 5 days of inspection dated 23.10.2013, whereas, it should be filed within 2 days. However, keeping in view that there is a relatively minor procedural lapse, the Commission does not impose any penalty for this violation but cautions the Respondent that the regulations must be strictly adhered to in future.

**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 Respondent submitted that the case in hand pertains to direct theft having been committed by the Complainant, and the assessment bill was in respect of load connected to the direct tapping of electricity. The load connected to meter was paid by the consumer as per the consumption and therefore no credit of it be given against the assessment of consumption through direct theft. Hence, no violation of the provisions of Regulation 56 of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 is established.

4. For the reasons recorded above, the Commission finds the Respondent has violated provisions of Regulations 52 (iv) and 52 (vii) of the Delhi Electricity Supply Code & Performance Standards Regulations, 2007. For violation of Regulations 52 (iv) the Commission imposes penalty of Rs. 10,000/- to be paid within 30 days of the order. Whereas for violation of Regulations 52 (vii) a caution is issued to the Respondent and no penalty is imposed.
5. The petition is disposed of and ordered accordingly.

Sd/-  
(B. P. Singh)  
Member

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson