

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

Petition No. 24/2006

In the matter of:

Surjeet Singh
768, Village Patparganj,
New Delhi.

.....Complainant

Through: Shri V.K. Goel, Advocate,
Ch. No. 749, W.W. Tis Hazari, Delhi.

VERSUS

BSES Yamuna Power Ltd.
Through: its **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi-110092.

....Respondent

Coram:

**Sh. Berjinder Singh, Chairman, Sh. K. Venugopal, Member &
Sh. R. Krishnamoorthy, Member.**

Appearance:

1. Sh. V.K. Goel, Advocate on behalf of the Complainant.
2. Sh. Surjeet Singh, Complainant.
3. Sh. Hemant Gupta, Advocate on behalf of the Respondent.
4. Sh. Narender Pal, AFO (D)BYPL.
5. Sh. R.K. Agarwal, BM, BYPL.
6. Sh. Naveen Kumar, Sr. Officer (Legal), BYPL.

ORDER

(Date of Hearing: 28.09.2006)
(Date of Order: 03.11.2006)

1. Sh. V.K. Goel, Counsel for the Complainant submitted that the Complainant is a registered consumer of electricity with connection No. 1240Q0020226 (industrial purpose) and the said electricity connection was disconnected by the Respondent without assigning any reason. Further, there was no outstanding dues against the said connection. However, the meter is still in the premises.

2. Sh. V.K. Goel further submitted that action of the Respondent to disconnect the meter was in violation of Section 56 of the Electricity Act, 2003. In terms of Section 56(1), 15 days notice in writing is required to be served upon the Complainant before disconnection. There is also a similar provision in Regulation 22 of the DERC (Performance Standards –

Metering & Billing) Regulations 2002, where 7 days clear notice is required to be served.

3. Sh. Hemant Gupta, Advocate, on behalf of the Respondent, submitted that the supply was disconnected on 28.2.2004 due to accumulation of arrears of Rs.4087.39 (Rupees Four Thousand eighty seven and thirty nine paise). He further submitted that the Complainant himself failed to take steps within 6 months for restoration of supply, therefore, the connection had become 'dormant' and in terms of Regulation 24 of the DERC (Performance Standards – Metering & Billing) Regulations 2002, the Complainant was required to comply with all the formalities as required in case of a new connection.

4. Sh. Hemant Gupta, Advocate has further submitted that the said industrial connection is falling in a 'non-conforming area' and in terms of the directions of the Hon'ble Supreme Court, the new electricity connection/old connection cannot be restored in the non-conforming areas.

5. Sh. V.K. Goel, Advocate, appearing for the Complainant, vehemently opposed the above mentioned plea of the Licensee and submitted that the disconnection of the electricity connection was illegal ab-initio and cannot be treated as disconnection in strict terms. Thus, the question of completion of formalities with regard to the new connection again did not arise.

6. The Commission have heard both the parties in detail and is of the opinion that the Petitioner may be reconnected provided there is no violation of any existing Court Order, Act, Rules or Regulations. The Commission further observes that there are lapses on the part of the Respondent while disconnecting the electricity connection of the Complainant. Further, it is seen that the Respondent had disconnected the electricity connection of the Complainant without complying with the mandatory provisions under Section 56 of the Electricity Act, 2003 and Regulation 22 of the DERC (Performance Standards – Metering & Billing) Regulations 2002. The Respondent have failed to produce any document on record to establish that they complied with all the provisions with regard to the disconnection of the electricity connection.

7. In view of the above, the Commission is of the considered opinion that the Respondent Licensee has violated the provisions of Section 56 of the Electricity Act, 2003, as well as Regulation 22 of the DERC (Performance Standards – Metering & Billing) Regulations 2002, while disconnecting the electricity connection of the Complainant. Therefore, a penalty of Rs. 10,000/- is imposed on the Licensee for its failure to comply with the relevant statutory provisions. In addition, the Complainant is awarded a lump sum compensation of Rs. 10,000/-. The Licensee shall submit a compliance report of this Order within 30 days from the date of issue of this Order.

8. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(R. Krishnamoorthy)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN