

## **DELHI ELECTRICITY REGULATORY COMMISSION**

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11 (1148)/DERC/2014-15/4469

### **Petition No. 49/2014**

**In the matter of:** Petition filed under section 142 of Electricity Act, 2003

**And**

**In the matter of:**

Tajuddin  
S/o Shri Alauddin  
D – 462 – G, Gali No. 1,  
Buland Masjid, Shastri Park,  
New Delhi – 110053

.....**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 A.A. Khan, Counsel for the Petitioner.
2. Shri Manish Srivastava, Advocate for Respondent.
3. Shri I U Siddiqui, Legal Officer, BYPL.
4. Shri Munish Nagpal, Sr. Manager, BYPL.

### **INTERIM ORDER**

(Date of Hearing: 06.08.2015)

(Date of Order: 28.08.2015)

1. The instant petition has been filed by Shri Tajuddin, under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down in Regulations of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Notice was issued on 09.09.2014 to Respondent to file its reply.
3. In response to the notice, the Respondent filed its reply on 19.11.2014 and has sought dismissal of the above complaint on the following grounds:

- i. The complaint is not maintainable in terms of Section 142 of Electricity Act, 2003, hence liable to be dismissed.
  - ii. Theft of electricity is to be adjudicated by the Special Court and the Commission has no jurisdiction to adjudicate a complaint relating to theft of electricity.
  - iii. The Commission has no jurisdiction to entertain individual dispute between the Licensee and the Consumer.
  - iv. Allegations made by the Complainant have been denied.
4. The matter was heard on 06.08.2015 and on the basis of pleadings and oral submissions of both parties and considering the material available on record, the petition was admitted as it was observed that there exist a prima-facie case for the following violations:-

**a) Violations of Regulation 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*

In accordance with the Regulation *ibid*, 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, the Respondent has apparently 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.*

Records reveal that the respondent failed to file a case against the consumer in the special court of electricity within 2 days from the date of inspection i.e. on 29.03.2012. The Respondent contended that an FIR was lodged in the concerned Police Station on 09.10.2012 i.e. after 194 days from the date of inspection. The Respondent could not provide the date of filing complaint in this regard in the police Station. Hence, the Respondent has apparently 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, the Respondent has apparently contravened the provisions of DERC Supply Code, 2007.

5. In view of the aforesaid, the Respondent is hereby directed to show cause as to why action u/s 142 of the Electricity Act, 2003 should not be taken against it for prima-facie violation of above Regulations. The Respondent is directed to file its reply within four weeks from the receipt of this notice and to serve a copy of the same to the complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.

6. 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.
7. The next date of hearing shall be intimated to the parties in due course.
8. Ordered accordingly.

Sd/-  
(B. P. Singh)  
Member

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson