

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

No. F.7(24)/DERC/2009-10/C.F.No./2020/

Petition No. 29/2009

Shri Vijay Bali & Others
C/o Sh. C.M. Vaid
305/6, Eastend Appartments,
Indirapuram,
Ghaziabad (U.P).

.....Complainant

VERSUS

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

.....Respondent

Coram:

Sh. P.D. Sudhakar, Chairman, Sh. Shyam Wadhera, Member &
Sh .J.P. Singh, Member.

Appearance :

1. Sh. Vijay Bali, Complainant.
2. Sh. Manish Srivastava, Counsel for BYPL.
3. Ms. Shashi Bali, Complainant.
4. Sh. Pawan Kumar Mahor, Officer Legal, BYPL.
5. Sh. Kishnu Datta, Advocate of BYPL

INTERIM ORDER

(Date of Hearing : 23.08.2011)

(Date of Order : 20.09.2011)

1. The Complainant Sh. Vijay Bali, R/o H.No. 270 'C' block, J&K, Dilshad Garden, Delhi filed a complaint before the Commission on 9.12.2008 /15.12.2008 alleging that he and his family have suffered serious harassment by various acts of omission and commission of the Respondent Company, BYPL.
2. It has been alleged that the complainant's meter remained faulty for a number of years and no billing was made from 2005 onwards. The premise of the consumer was raided on 15.05.2008 following which the meter was removed and he was given direct supply by the Respondent (BYPL). To substantiate the above the petitioner has placed a copy of the police statement as a proof.

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3. Subsequent to the above, another two complaints were also filed by the complainant on 13.12.2008 and 24.12.2008 in the Commission. On which the reply of the Respondent was sought.
4. BYPL vide their letter dated 13.02.2009 have replied that two direct theft cases are pending before the Special Court based on inspections dated 02.07.2008 and 15.12.2008. These inspections were made after the direct supply was given by BYPL on 15.05.2008. They have further stated that two civil cases are also pending with different courts.
5. The premises was again inspected on 21.04.2009 by BYPL and the direct supply was then removed by BYPL.
6. Taking cognizance on the above, the Commission heard the matter on 23.08.2011, where both parties were present. After going through the facts placed before the Commission and fresh allegations made by the complainant against the Respondent, the Commission has decided to seek the reply of the Respondent on the following allegations and violations as alleged by the complainant:-
 - i. The provisions of the DERC Supply Code Schedule I Clause 4 (Metering Complaint) were violated eight times by the Respondent.
 - ii. The provisions of the DERC Supply Code Schedule I Clause 7 (Billing Complaint) were violated eight times by the Respondent.
 - iii. The Regulation 39(a) provisions of the DERC Supply Code (Metering Complaint) were violated eight times by the Respondent.
 - iv. The Regulation 39 (b) provisions of the DERC Supply Code (Metering Complaint) were violated eight times by the Respondent.
 - v. The Regulation 38 (a) {five years periodicity of Meter Tests} was also violated by the Respondent.
 - vi. The Regulation 38(c) of the DERC Supply Code was violated eight times by the Respondent.
 - vii. The Regulation 38(h) of the DERC Supply Code was violated eight times by the Respondent since the Respondent failed to keep record of Meter Tests and the same, thus, being not submitted to the Hon'ble Commission / DERC, as mandatory to be carried out every six months as exception reports.
 - viii. The Regulation 44(ii) {Billing Complaint} of the DERC Supply Code was violated eight times by the Respondent.
 - ix. The Regulation 37(i) {Reading of Meters: Meter to be read once in every billing cycle} of the DERC Supply Code was repeatedly violated by the Respondent.

- x. The Regulation 37(iii) {Reading of Meters : Provisional Billing limited to two consecutive billing cycles} of the DERC Supply Code was repeatedly violated by the Respondent.
- xi. The Regulation 37(v) {Reading of Meters : Compensation not paid to the consumer/present complainant as stipulated} of the DERC Supply Code was repeatedly violated by the Respondent.
- xii. In its interim order Hon'ble Justice Rajiv Sahai Endlaw vide his order dated 18.5.2010 quashed the three bills relating to direct theft of electricity and at para 14 of the orders found the licensee guilty of clear cut violation of Regulation 40 in raising the theft bill.
- xiii. **Violation of guaranteed Standards laid down in Schedule I of Supply Code :**
 - (i) **Clause 4 (i)** Not getting tested/replacing of the faulty meter within 15 days and subsequent replacing the same within 15 days thereafter filing the complaint by the consumer.
 - (ii) **Clause 7** Not responding to correct billing by resolving the billing complaint within 15 days.
- xiv. Violation of Regulation 39(a) not checking the meter within 15 days on the complaint of the consumer and subsequent replacement of the meter within 15 days thereafter.
- xv. Not giving prior 15 days disconnection notice to the consumer for default for payment of dues under **Regulation 49(i)** of the Supply Code *ibid* and Regulation 22 of Meter and Billing, 2002. (Disconnection of consumer supply July, 05 onwards)
- xvi. Violation of **Regulation 52(i, ii, iv, vii, viii, ix, x, xi)** as well as 53 & 54 of Supply Code *ibid* by not following the procedure for booking of theft.
- xvii. Violation of **Regulation 41(ii)** by not raising the bill for every billing cycle based on actual meter reading. Evidence – by manipulating bills for July 2008 to May 2009 as the meter was removed after 15.5.2008.
- xviii. The Petitioner filed a complaint regarding defective meter vide diary No. 918 dated 28.2.2003 and 31.10.2003 and Diary No. 4566 dated 24.12.2003, the meter was replaced on 30.4.2004. This is in violation of Regulation **20(ii)DERC (Performance Standard-Metering & Billing)**
- xix. The Petitioner filed a complaint regarding defective meter vide No. DD 365 dated 6.5.2004, DD 84, 8.4.2005, DD 8634 dated 10.5.2006 and thereafter respondent refused to acknowledge his complaint of defective meter. **This is again violation of Regulation 20(ii)(a) DERC (Performance Standards -Metering & Billing) Regulations 2002.**

- xx. Not attending the consumer even after repeated visits and complaints for not replacing the defective meter shown as disconnected. The meter stopped recording on 8.1.2006 on reading of 2069 when the consumer bills started showing the connection as disconnected. The stuck meter as noticed by the Licensee shown not replaced even more than 2 years thereafter. **This is in violation of Regulation 20(ii)(b) of DERC (Performance Standards -Metering & Billing) Regulations 2002.**
 - xxi. Removal of defective meter No. 12158382 at last reading 2069 Electricity Act, 2003 by connecting the supply directly and taking away the meter which was faulty since April, 04 and stopped at reading 2069 since July 05.
 - xxii. Failing to provide electricity through a meter construed as violation of provisions of Section 55. (1).
 - xxiii. Not raising the bill from July 2005 to May 2008 in contravention of the provisions of the DERC Supply Code Regulation 41(ii) and Regulation 42(3), (5), (6),(7), (13), (14), (15), (16), (18), (19), (20), (22), (23), (27), (30).
 - xxiv. Violation of Section 56(1) and (2) of the Electricity Act, 2003.
 - xxv. Violation of Chapter (VI) Regulation 50(iv) of DERC Supply Code for raising the bill from July, 2008 to May, 2009.
 - xxvi. Violation of Section 50 of Electricity Act, 2003, for failing to comply the above provisions.
7. The Commission directs the Respondent to file its reply on the above alleged violations within 15 days from the date of issue of this order with the direction to give a copy of the same to the complainant, who should file his rejoinder, if any, in next ten days subsequent to the above.
8. The matter is now listed for hearing on October 18, 2011.

Ordered accordingly.

-Sd-
(J.P. Singh)
MEMBER

-Sd-
(Shyam Wadhera)
MEMBER

-Sd-
(P.D. Sudhakar)
CHAIRMAN