

## **DELHI ELECTRICITY REGULATORY COMMISSION**

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

### **In the matter of:**

Sh. Y. K. Gupta,  
46-A, Friends Colony,  
New Delhi – 110 065.

.....**Complainant**

### **VERSUS**

BSES Rajdhani Power Limited  
Through its: **CEO**  
BSES Bhawan,  
Nehru Place,  
New Delhi-110019.

.....**Respondent**

### **Coram:**

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

### **Appearance:**

1. Sh. S. C. Sharma, Addl. GM (BSES).
2. Sh. Ashok Ahuja, DFO (BSES).
3. Sh. R. K. Sawhney, Consultant (BSES).
4. Sh. Y. K. Gupta, Complainant.

## **ORDER**

(Date of Hearing: 16.01.2007)

(Date of Order: 23.04.2007)

1. The present complaint has been forwarded by the CGRF recommending imposition of penalty upon the Respondent for delay in submitting the action taken report by the Licensee regarding implementation of the Order dated 15.07.2005.
2. The brief background of the case is that the Complainant approached the CGRF on the ground that he was receiving the average bills upto December, 2000 for the electricity connection installed at his premises which were within the range of Rs. 250-300 only, but, in January-February 2001, the Respondent started raising bill against the Complainant by reflecting "misuse" in the bills without showing any apparent reason. The Complainant submitted that the electricity was being used exclusively for agriculture purpose for growing vegetables etc. for house-hold consumption from the land area measuring 2.5 acres having two small rooms in occupation of a care taker (small developing unit). The Complainant wrote to the Respondent requesting to withdraw the "misuse" status. Two inspections were carried out on 28.06.2002 and 20.02.2003 by the Respondent.

3. The Respondent in their reply submitted that the misuse charges had been levied against the agriculture power connection w.e.f. 1995 to June, 2002. The agricultural power connection had provision of three single phase meter which were not recording proper energy consumption so incorrect bills were issued to the Complainant. However, they are not in possession of any document showing authenticity for the levy of misuse charges. In view of this, they had no option but to withdraw the misuse charges w.e.f. the date of the levy.
4. The Complainant had submitted that despite withdrawal of misuse charges he was compelled to deposit an amount of Rs. 50,000/- on 26.03.2004, which again has not been explained by the Licensee.
5. The CGRF vide its interim order dated 23.06.2005 directed the Licensee to produce records for the entire period to enable proper accounting of the amount due. However, the Licensee had not followed the directions of the Forum.
6. The Ld. Forum vide its final Order dated 15.07.2005 directed the Respondent to pay a compensation of Rs. 500/- to the Complainant and further directed the Respondent to have deliberations with the Complainant for settling the issue and that the Complainant will present the old record of receipts against such payments for the period from 1995 to June 2002 so that the entire amount could be accounted for in a proper manner.
7. The Secretary, CGRF vide letter dated 08.09.2005 sought the 'Action taken report' of the Order dated 15.07.2005 from the Respondent in terms of Regulation 9(6) of DERC (Guidelines for establishment of Forum for Redressal of Grievance of the consumers and Ombudsman) Regulations, 2003; but, on not receiving the same the matter has been referred to this Commission.
8. A show-cause notice was issued to the Respondent by this Commission on 01.11.2006, but, the Respondent failed to furnish the reply within the stipulated period and submitted reply only on the date of hearing i.e. 16.01.2007. In the reply the Respondent have submitted that the delay in implementing the Order of CGRF dated 15.07.2005 was due to the following reasons:

9. The Respondent in their reply submitted that the misuse charges had been levied against the agriculture power connection w.e.f. 1995 to June, 2002. The agricultural power connection had provision of three single phase meters which were not recording proper energy consumption, so incorrect bills were issued to the Complainant. However, the Respondent are not in possession of any document showing authenticity for the levy of misuse charges. In view of this, they had no option but to withdraw the misuse charges w.e.f. the date of the levy.
10. The Complainant had submitted that despite withdrawal of misuse charges, he was compelled to deposit an amount of Rs. 50,000/- on 26.03.2004, which again has not been explained by the Licensee.
11. The CGRF vide its interim order dated 23.06.2005 directed the Licensee to produce records for the entire period to enable proper accounting of the amount due. However, the Licensee had not followed the directions of the Forum.
12. The Ld. Forum vide its final Order dated 15.07.2005 directed the Respondent to pay a compensation of Rs. 500/- to the Complainant and further directed the Respondent to have deliberations with the Complainant for settling the issue. The Ld. Forum also directed that the Complainant will present the old record of receipts against such payments for the period from 1995 to June 2002 so that the entire amount could be accounted for in a proper manner.
7. The Secretary CGRF vide his letter dated 8<sup>th</sup> September, 2005, sought the 'Action taken report' of the order dated 15<sup>th</sup> July, 2005, from the Respondent in terms of Regulation 9(6) of DERC (Guidelines for Establishment of Forum for Redressal of Grievance of the Consumers and Ombudsman) Regulations, 2003, which stipulates that licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In the instant case, when the order of CGRF was not complied nor any reply received from the Respondent in response to their letter dated 8<sup>th</sup> September, 2005, the matter was referred to this Commission for imposition of penalty on the Respondent.
8. A show-cause notice was issued to the Respondent by this Commission on 01.11.2006, but, the Respondent failed to furnish a reply within the stipulated period and submitted its reply only on the date of hearing i.e.

16.01.2007. In their reply, the Respondent have submitted that the delay in implementing the Order of CGRF dated 15.07.2005 was due to the following reasons:

- a. Non-availability of records for the period from 1993 – 1995 since the bills were issued on provisional basis;
  - b. Payments were also to be confirmed from the record; and
  - c. The Consumer was not satisfied with the revision.
9. The Respondent submitted that the order of the Forum has been implemented and it is the Consumer himself who is not interested to settle the case. On the other hand, the complainant has forwarded a representation to the Commission submitting therein that in spite of the orders of CGRF, the matter has not yet been resolved by the Respondent.
10. The matter came up for hearing today where both the parties are present. The Complainant has submitted that despite the orders of CGRF on 15.07.2005, the Respondent had failed to settle the matter. He further submitted that he has been unnecessarily harassed by the Respondent since long for no fault of his. He has prayed to the Commission for taking serious note of the lapses committed by the Respondent in this case.
11. Sh. S. C. Sharma, the representative of the Respondent, submitted that the delay in implementing the Speaking Order of CGRF has occurred due to non-availability of the records for the period from 1993 to 1995 and further, the consumer was afforded an opportunity of hearing in November, 2006 and even the necessary data was handed over to the consumer for further reconciliation but, he was not satisfied.
12. On hearing the arguments on both sides, it has been observed that the Respondent have not taken adequate and timely steps to resolve the dispute or / and comply with the orders of CGRF. The Respondent also could not offer any plausible explanation for the delay in implementing the orders of CGRF dated 15<sup>th</sup> July, 2005.
13. The way the entire matter has been handled by the Respondent, it becomes evident that the Complainant has been put to a lot of harassment. The amount of compensation i.e. Rs.500/-, awarded by CGRF, seems to be grossly insufficient to compensate the Complainant for the harassment undergone by him for several years. Not only this,

even when this Commission issued notice to the Respondent on 1<sup>st</sup> November, 2006, giving 03 weeks time to show cause, the Respondent had failed to respond, again without any convincing explanation, and submitted reply only on 16<sup>th</sup> January, 2007, when the case was listed for hearing before the Commission. Such a callous attitude of the Respondent towards the orders of the statutory authorities cannot be appreciated and is rather deplorable.

14. The Commission has taken a serious note of the lapses mentioned *ibid*, and decides to impose a token penalty of Rs.5,000/- against the Respondent for not handling the case with requisite promptitude and sensitivity and violating Regulation 9(6) of DERC (Guidelines for Establishment of Forum for Redressal of Grievance of the Consumers and Ombudsman) Regulations, 2003. The Respondent is further directed to pay a compensation of Rs.5,000/- to the complainant for the harassment undergone by him. This amount would be in addition to the compensation awarded by the CGRF. The Respondent are further directed to look into the whole matter, streamline the system and ensure that such incidents do not recur in future.

15. Ordered accordingly.

Sd/-  
(K. Venugopal)  
MEMBER

Sd/-  
(R. Krishnamoorthy)  
MEMBER

Sd/-  
(Berjinder Singh)  
CHAIRMAN