

## **DELHI ELECTRICITY REGULATORY COMMISSION**

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

F.11 (1230)/DERC/2015-16

### **Petition No. 35/2015**

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

**And**

**In the matter of:**

Zahiruddine

C-27/A, Abdul Fazal Enclave,

Part – II, New Delhi – 110025

.....**Complainant**

VERSUS

BSES Rajdhani Power Ltd.

Through its: **CEO**

BSES Bhawan

Nehru Place

New Delhi-110019

.....**Respondent**

**Coram:**

**Sh. P. D. Sudhakar, Chairperson, Sh. J.P. Singh, Member & Sh. B.P. Singh, Member**

### **Appearance:**

1. Petitioner in person,
2. Shri NK Nagar, Advocate for the Petitioner;
3. Shri Manoj Banka, A.R of the Petitioner;
4. Shri Manish Srivastava, Advocate for Respondent.
5. Shri S. Bhattacharya, DGM Enforcement, BRPL.

### **ORDER**

(Date of Hearing: 23.07.2015)

(Date of Order: 03.08.2015)

1. The instant petition has been filed by Shri Zahiruddine against the Respondent Company under Section 142 of the Electricity Act, 2003 for violation of the procedure laid down of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. The Petitioner has alleged that there is a violation of laid down procedure of Regulation 52(vii) Annexure XIII wherein it has been stated that the assessment of energy in cases of direct theft shall be done based on the

LDHF formula whereas the assessment bill has been charged by Respondent for 12 months instead of 94 days

3. Notice was issued on 08.05.2015 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 18.06.2015 and sought dismissal of the above complaint on the following grounds:
  - a) During inspection the electricity was being consumed directly by by-passing the meter installed. Connected load 1.985 KW for non domestic was found running through illegal wires.
  - b) Being a case of direct theft under section 135 of the Electricity Act, 2003, complaint case has been filed before the designated special court of Electricity, Saket. The same is listed for further proceedings on 04.01.2016.
  - c) The petitioner had been asked to provide certain details and documents, which he had failed to produce, as required by the officer of Respondent.
5. The matter was heard in the Commission on 23.07.2015. During the hearing, the Respondent submitted that the theft bill pursuant to inspection dated 18.07.2014 has been correctly raised for a period of 12 months as per provisions of the Regulation 52 (vii) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007, which says that assessment shall be made for the past 12 months as per the assessment formula prescribed in Annexure XIII. The representative appearing on behalf of the Petitioner submitted that Assessment of energy in the instant case shall be done based on the LDHF formula and therefore, assessment bill should be confined for the period from 16.04.2014 to 18.07.2014 i.e. 94 days and not for 12 months.

6. In this regard, the Commission observed that the Regulation 52 (vii) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 prescribes assessment for past 12 months. Moreover, the cases of direct theft are a menace and have to be curbed and strict enforcement of Regulation is necessary in such cases.
7. In view of the above, the Respondent may not be held responsible for violation of the provisions of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
8. The petition is not admitted. Ordered accordingly.

Sd/-  
(B. P. Singh)  
Member

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson