



**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017**

F.11 (1541)/DERC/2017-18

**Petition No. 39/2019**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

**M/s Westend Mall Occupants Welfare Association,  
Through its Authorized Representative  
Sh. Deshraj Sethi,**

**.....Complainant**

**VERSUS**

**1. BSES Rajdhani Power Ltd.  
Through its: CEO**

**2. P.P. Buildwell Pvt. Ltd.**

**3. Classic Care UtilitiesPrivate Ltd.**

**.....Respondents**

**CORAM:**

**Hon'ble Sh. Justice S S Chauhan, Chairperson**

**Hon'ble Sh. A.K. Singhal, Member**

**Hon'ble Dr. A.K. Ambasht, Member**

**Appearance:**

1. Shri Dinesh Sabharwal, Counsel for the Petitioner;
2. Shri Manish Srivastava, Counsel for R-1;
3. Shri Rajeev Aggarwal, Counsel for R-2.

**INTERIM ORDER**

(Date of Hearing: 07.02.2020)

(Date of Order: 13.02.2020)

1. The complainant M/s Westend Mall Occupants Welfare Association has filed the present Petition against BSES Rajdhani Power Ltd. for violation of the provisions of the DERC (Supply Code and Performance Standards) Regulations, 2017 (hereinafter referred to as SOP Regulations, 2017) in respect of conversion of single point supply meter into individual meters.
2. The Petitioner has alleged that the Respondent no. 1, BRPL is not providing individual connections to the consumers and the connections have been refused citing the reasons like unelectrified Area, documentation not done, H.T. meter exists, lift certificate required etc. It has also been alleged that the Respondent no. 2, M/s P.P. Buildwell Pvt. Ltd., the single point delivery supplier is

charging excessive tariff from consumers, whereas only 5% additional tariff is permissible.

3. In the reply to the notice, the Respondent No. 1, BRPL has denied the allegations and stated that it was communicated to the Petitioner that the individual connections would only be installed at the existing space by installing at least one ESS space measuring size 3M x 6M either in the open sky or within the first basement location of the main building so that one package substation as proposed of 990KVA capacity could be installed for the request by the Petitioner. The Respondent no.1, BRPL framed an estimate for conversion of the single point connection to 150 individual meters as per the DERC Supply Code, 2017, which was communicated to the Petitioner vide letter dated 14.11.2017. However, there has been deficiency on part of the Petitioner in providing assistance for carrying out the conversion of the electricity supply. The Petitioner has till date failed to surrender its current HT electricity Connection as required under the DERC Regulations, 2017 for conversion of the single point electricity supply.
4. The Respondent no. 2, M/s P.P. Buildwell Pvt. Ltd. in its reply has raised the following issues: -
  - a) That the Petitioner has not produced any documents/record for establishing that it is a valid 'Association of Apartment Owners' formed in accordance with the provisions of Delhi Apartment Ownership Act, 1986 which were interpreted by the Hon'ble Delhi High Court in Guru Ram Das Bhawan & Ors. vs M/s Doon Apartments Pvt. Ltd. the law in this regard mandates that any legal and valid association can, only be formed by the 'owners' of the individual units and not by 'occupants' of the individual units. Despite the same the Petitioner has not made any endeavor, till date, to prove that it is in fact a proper and legal association formed in accordance with the Delhi Apartment Ownership Act, 1986.
  - b) The petitioner has right to take over common maintenance and electricity only as per provisions of Delhi Apartment Ownership act but for that, they have to establish locus standi to be valid association, which however they prima facie failed to establish.
  - c) That the existing set up of electricity cannot be disturbed without seeking prior permission from fire department and lifts licensing authority. Clearances such as Fire safety certificate (FSC) from Delhi Fire Service and lifts license from Labour Department, govt. of NCT of Delhi are required for being eligible for conversion, as sought for, by the Petitioner association. However, no such a OC's has to be procured by the Petitioner.
  - d) That since the Petitioner has not established its legal and valid existence, it is bound under DERC's supply code Regulation 15, whereby the alleged petitioner association is obligated to apply for a 'no objection certificate' before the developer, that is Respondent no. 2. This pre requisite mandate under the said Regulations has been duly pointed out to the alleged petitioner association by Respondent no. 1.

5. The instant Petition is filed under Section 142 of the Electricity Act, 2003 for the imposition of penalty on the Respondents for violation of the provisions of the Regulations or the orders of the Commission, therefore, without going into details of the aforesaid issues, as they are not relevant at this juncture to deliberate on alleged violation of provisions of regulations etc., the Commission has deliberated only on the issue of violations of provisions.
6. The main allegation is that despite the filing of application for conversion of connection into individual connection, followed by repeated requests, the Respondent No. 1 namely BRPL has failed to provide individual connections and second that the Respondent No. 2 namely M/s P. P. Buildwell, i.e. single point delivery supplier availing supply at HT is charging cost of excess of 5 % of the bill amount.
7. On the basis of pleadings and oral submissions of the parties on both sides and considering the material available on the record, the petition is admitted as there exists a prima-facie case of violation of following Regulations:

**a) Violation of Regulation 13 (2) of SOP Regulations, 2017 by Respondent No. 1, BRPL.**

***Regulation 13 (2) of SOP Regulations, 2017 is as follows: -***

*13. Conversion of single point connection to individual connection: -  
(2) In case, applications are received by the Licensee from individual consumers for direct supply of electricity, the Licensee shall undertake a joint survey with the concerned developer or registered association within 15 (fifteen) days of the date of receipt of the first application for direct supply. During the survey, the Licensee shall explore the possibility of additional applicants who may like to opt for direct supply through a written consent for proper planning and to provide the supply.*

In this regard, it has been observed by the Commission that even after submission of applications by the consumers for conversion of the HT single unit connection to LT individual connection, the Respondent, BRPL has failed to undertake a joint survey within 15 days of the date of receipt of the first application for direct supply. The Petitioner, time and again applied for individual connection to the Respondent, BRPL. However, the Respondent has not only failed to comply with the above mentioned provisions, but has caused inordinate delay in following the procedure. Therefore, it appears that the Respondent has violated the provisions of Regulation 13 (2) of SOP Regulations, 2017.

**b) Violation of provision of Regulation 14 of SOP Regulations, 2017 by Respondent no. 1, BRPL and Respondent no. 2 M/s P. P. Buildwell.**

**Regulation 14 of SOP Regulations, 2017 is as follows: -**

*14. Procedure for full conversion of single point connection into individual connection: -*

*(1) The concerned developer or registered association shall submit to the Licensee, certified copy of the resolution regarding the surrender of existing Single Point Delivery connection:*

*Provided that, in case of full conversion based on the result of joint survey under Regulation 13 (3), same shall be deemed to be resolution regarding the surrender of existing Single Point Delivery connection.*

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*(6) The Licensee shall inspect the existing distribution system such as transformers, allied equipments, and meters etc. of the society.*

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*(10) The cost of the existing distribution system taken over by the Licensee shall be deemed to be the notional funding required from developer or registered association under Regulation 21 (1):*

*(11) The Licensee shall start installing their meters which shall be completed within two months of the receipt of the certified copy of the resolution or completion of joint survey, as the case may be, regarding surrender of existing single point delivery connection.*

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*(15) The Licensee shall augment the system, if required within four months of receipt of the certified copy of the resolution regarding surrender of existing single point delivery connection and such additional expenditure, including the cost of road fill/restoration, removable of malba, building of new Sub-station etc. within the society, shall be dealt as applicable for any other augmentation scheme:*

*Provided that the Licensee may approach the Commission for extension of time specified in specific cases, where magnitude of augmentation works is such that it requires more time, duly furnishing the justification in support of such request for extension.*

In the instant case, the commission observes that apart from conducting of the joint survey under Regulation 13, the Respondent no. 1, BRPL has failed to follow the procedures as required to be followed under Regulation 14 of SOP Regulations, 2017.

The Respondent has failed to inspect the distribution system, or to enter into agreement with the developer/registered association for taking over of existing distribution assets.

It is the responsibility of BRPL to augment the system, failure to comply with such provisions would necessarily constitute a lapse on the part of the Respondent and thereby, a violation of the above mentioned Regulation.

**c) Violation of Schedule 3 of Tariff Orders for the FY 17-18, 18-19, 19-20 by Respondent no. 2 M/s P. P. Buildwell.**

***Schedule 3 is as follows: -***

*The Single Point Delivery Supplier availing supply at HT & above shall charge the tariff to its LT consumers and in addition shall be entitled to charge an extra upto 5% of the bill amount to cover losses and all its expenses.*

In the instant case, the commission observes that the Respondent no. 2, M/s P. P. Buildwell, i.e. single point delivery supplier availing supply at HT is charging cost in excess of 5 % of the bill amount, whereas as per the Tariff Orders, the Single Point Delivery Supplier shall be entitled to charge an extra upto 5% of the bill amount. Hence, it appears the Respondent no. 2, M/s P. P. Buildwell has violated the provisions of Schedule 3 of the Tariff Order by way of charging cost in excess of 5% of the bill amount.

8. In view of the above-mentioned findings, the Respondents are directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations should not be taken against it. The Respondents are directed to file its reply within two weeks with service of a copy to the Petitioner. The Petitioner has also been given liberty to file rejoinder, if any, within a week of above filing.
9. The next date of hearing shall be intimated to the parties in due course.
10. Ordered accordingly.

**Sd/-  
(A.K. Ambasht)  
Member**

**Sd/-  
(A.K. Singhal)  
Member**

**Sd/-  
(Justice S S Chauhan)  
Chairperson**