

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

F.11 (1335)/DERC/2015-16

Petition No. 05/2016

Under section 142 of the Electricity Act, 2003

In the matter of:

Shri Roop Singh
R/o 21 A, Gali No 6B,
Molarband Ext,
New Delhi – 44

.....**Complainant**

VERSUS

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

.....**Respondent**

Coram:

Sh. B. P. Singh, Member

Appearance:

1. Petitioner in Person;
2. Shri NK Nagar, Advocate for the Petitioner;
3. Shri Anurag Vijay, Advocate for Respondent;
4. Shri S Bhattacharya, GM, BRPL.
5. Shri Aruj Mathur, Manager, BRPL.

INTERIM ORDER

(Date of Hearing: 11.05.2017)

(Date of Order: 16.05.2017)

1. The instant petition has been filed by Shri Roop Singh, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure regarding booking of theft case as laid down in the Regulations of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. The matter was heard on 11.05.2017, wherein both the parties were present. The Commission heard both the parties at length.
3. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission decided

that the petition may be admitted as there exists a prima-facie case of violations of following Regulations:-

a) Violation of Regulation 40 (b) read with Regulation 38 (c) of DERC Supply Code, 2007

Regulation 38 (c) provides that:-

The consumer shall be informed of proposed date and time of testing at least two days in advance.

Regulation 40 (b) provides that:-

The Licensee shall get the burnt meter removed from site/consumer's premises and test the same.

The Commission observed that no information was given to the Consumer about testing of meter in Lab and the meter was tested in the absence of the Consumer. Hence, it appears that the Respondent has contravened the provisions of Regulation 40 (b) read with Regulation 38 (c) of DERC Supply Code, 2007

b) Violation of Regulation 40 (a) of DERC Supply Code, 2007

Regulation 40 (a) provides that:-

In case the meter is found burnt upon inspection by the Licensee on consumer's complaint or otherwise, the Licensee shall restore connection in six hours upon receiving the complaint by bypassing the burnt meter after ensuring that necessary corrective action at site is taken to avoid future damage. New meter shall be provided by the Licensee/consumer, as the case may be, within three days.

The Petitioner made complaint of burnt meter to the Respondent on 02.11.2011, whereas the meter was replaced with a new meter on 03.11.2011. Hence, it appears that the Respondent has contravened the provisions of Regulation 40 of DERC Supply Code, 2007 as the Licensee failed to restore connection in 6 hours upon receiving the complaint.

c) Violation of Regulation 52 (viii) of DERC Supply Code, 2007

Regulation 52 (viii) provides that:-

In case of suspected theft, the Authorised Officer shall Remove the old meter under a seizure memo and seal it in the presence of the consumer/ his representative. The Licensee shall continue the supply to the consumer with a new meter. The old meter shall be tested in a NABL accredited laboratory and the laboratory shall give a test report, in writing, which along with photographs/ videographs shall constitute evidence thereof.

As per Regulation, it is mandatory on the part of the Respondent to prepare Seizure memo when the meter is removed. However, the Commission observed that the Respondent failed to produce evidence of Seizure memo of the date of removal of meter. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

d) Violation of Regulation 52 (ix) of DERC Supply Code, 2007

Regulation 52 (ix) provides that:-

..... a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post.

The Commission observed that the Respondent has not provided any proof or evidence that the copy was served through post and it appears that the inspection report was neither pasted in/outside the premises nor it was sent through a registered post to the complainant. Hence, the Respondent has apparently contravened the aforesaid provisions of Regulation 52 (ix) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

e) Violation of Regulation 52 (x) of DERC Supply Code, 2007

Regulation 52 (x) provides that:-

".....the Licensee shall, within seven days of inspection, serve on the consumer a seven days show cause notice giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply to be submitted..."

In the instant case prima facie it appears that the Respondent has violated the above provision by way of not serving a show cause notice within seven days of inspection and the Show cause notice was issued on 28.11.2011 i.e. after 25 days of inspection dated 03.11.2011. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

f) Violation of Regulation 53 (ii) of DERC Supply Code, 2007

Regulation 53 (ii) provides that:-

.....During the personal hearing, the Licensee shall give due consideration to the facts submitted by the consumer and pass within three days, a speaking order as to whether the case of theft is established or not. Speaking order shall contain the brief of inspection report, submissions made by the

consumers in his written reply and oral submissions during personal hearing and reasons for acceptance or rejection of the same.....

In this regard, it has been observed that the last personal hearing was held on 04.01.2012. However, the speaking order was issued on 18.06.2012 i.e. after 166 days from the date of personal hearing. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

4. In view of the above-mentioned findings, the Respondent is 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 Respondent is directed to file its reply within four weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
5. 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.
6. The next date of hearing shall be intimated to the parties in due course.
7. Ordered accordingly.

Sd/-
(B. P. Singh)
Member