

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11 (1250)/DERC/2015-16

Petition No. 46/2015

Under section 142 of Electricity Act, 2003

In the matter of:

Harbhajan Singh,
73-A, Navyug Block,
Vishnu Garden,
New Delhi – 110018

.....**Complainant**

VERSUS

BSES Rajdhani Power Ltd.

Through its: CEO

BSES Bhawan
Nehru Place
New Delhi-110019

.....**Respondent**

CORAM: Sh. B. P. Singh, Member

ORDER

(Date of Order: 04.07.2018)

1. The instant petition has been filed by Shri Harbhajan Singh, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in Regulations of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Vide Interim Order dated 04.09.2015, a Show Cause notice was issued to the Respondent for violation of Regulations 52(iii), 52(iv), 52(vii) and 52 (ix) of Delhi Electricity Supply Code & Performance Standards Regulations, 2007. The Respondent replied to the Show Cause Notice on 28.04.2016.
3. On the date of last hearing i.e. on 14.12.2017, the Commission heard both the parties and reserved its judgement. The parties were directed to file written submissions within one week.
4. Based on the arguments putforth by the parties, the Commission's findings are as follows:

a) Violation of Regulation 52 (iii) of DERC Supply Code, 2007

Regulation 52 (iii) provides that:-

As per above Regulation, Authorised Officer shall carry along with them their Visiting Cards and Photo Identity Cards. Photo ID card should be shown and Visiting Card handed over to the consumer before entering the premises.

The Respondent has clarified that premises were inspected by an authorized inspection team of the Respondent led by Sh. Manoj Sharma. ID cards were duly shown to the consumer, at the time of inspection.

The Commission observed that from the available evidences it cannot be conclusively established whether ID cards were shown or not. Hence, the Respondent may not be held liable for violation of Regulation 52 (iii) of Delhi Electricity Supply Code and Performance Standards Regulations, 2007.

b) Violation of Regulation 52(iv) of DERC Supply Code, 2007

Regulation 52(iv) provides that:-

As per the above regulation, the Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format

The Respondent has clarified that the inspection report, load report and Seizure memo bearing No. BR-IR-OB-0102844 dated 17.05.2015 were prepared at site and offered to complainant, however, the Consumer refused to sign and receive the same. It is further submitted by the Respondent that when the inspection team tried to paste the same at the site, the consumer created resistance and did not allow them to do so, hence, the same was sent through registered post vide dispatch No. ED815216606IN.

The Commission observed that the claim of the Respondent that the Petitioner refused to receive and made resistance to paste the report, is not reflected in the video provided by the Respondent. Therefore, the Respondent has failed to corroborate their plea that the reports were made

at site. Hence, the Respondent has violated Regulation 52 (iv) of Delhi Electricity Supply Code and Performance Standards Regulations, 2007.

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

Regulation 52 (vii) provides that:-

In case sufficient evidence is found to establish direct theft of electricity, Licensee shall disconnect the supply and seize all material evidence including wires/cables, meter, service line etc., from the premises and within two days from date of inspection, file a case against the consumer in designated Special Court as per the provisions of section 135 of the Act.

The Respondent has clarified that a police complaint for lodging of FIR was filed against the complainant in the concerned Police Station on 22.08.2015.

It is evident that the Respondent has failed to file a case against the consumer in the special court of electricity within 2 days from the date of inspection dated 17.05.2015 rather it was filed after 97 days from the date of inspection. Hence, the Respondent has violated Regulation 52 (vii) of Delhi Electricity Supply Code and Performance Standards Regulations, 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 Respondent has clarified that pursuant to the inspection, an inspection report, load report and seizure memo bearing No. BR-IR-OB-0102844 dated 17.05.2015 were prepared at site itself and offered to complainant. However, the complainant refused to sign and receive the same. Moreover, when the inspection team tried to paste the same at the site, the consumer created resistance and did not allow them to do so.

Hence, the same was sent through registered post vide dispatch No. ED815216606IN.

The Petitioner has alleged that he had to make several visits to the office of the respondent and requests to provide copies of the reports.

The Commission observed that the inspection report dated 17.05.2015 was sent to the consumer through registered post vide dispatch no. ED815216606IN. The dispatch details dated 18.05.2017 were also furnished. Keeping in view that the report was dispatched very next date, no violation of Regulation 52 (ix) of DERC Supply Code, 2007 is made out.

5. For the reasons recorded above, the Commission finds the Respondent has violated provisions of Regulations 52 (iv) and 52(vii) of the Delhi Electricity Supply Code & Performance Standards Regulations, 2007. For violation of Regulations 52(iv) and 52(vii) the Commission imposes penalty of Rs. 20,000/- (Rs. 10,000/- for each violation) to be paid within 30 days of the order.
6. The petition is disposed of and ordered accordingly.

Sd/-
(B. P. Singh)
Member