

**DELHI ELECTRICITY REGULATORY COMMISSION**  
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110 017

**F.11 (1586)/DERC/2018-19**

**Petition No. 19/2018**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

Shri Sanjay Jain,  
**(Case ID – YM150118NY110)**

.....**Complainant**

**VERSUS**

BSES Yamuna Power Ltd.  
**Through its: CEO**

.....**Respondent**

**Coram: Hon'ble Mr. Justice S S Chauhan, Chairperson**

**Appearance:**

1. Petitioner in person;
2. Shri Suraj Aggarwal, AR of the Petitioner
3. Shri Manish Srivastava, Counsel for the Respondent;

**INTERIM ORDER**

(Date of Hearing: 29.01.2019)

(Date of Order: 31.01.2019)

1. The complainant Sh. Sanjay Jain has filed the present petition under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down in the DERC (Supply Code and Performance Standards) Regulations, 2017.
2. The preliminary reply filed by the Respondent has been taken on record.
3. The Authorized Representative of the Petitioner submits that the as provided under Regulation 67 of DERC (Supply Code and Performance Standards) Regulations, 2017, the complainant had voluntarily declared that his meter vide CA no. 151567216 has been tampered and requested the Respondent to replace the meter vide his application dated 18/12/2017. However, the

Respondent has failed to replace the tampered meter with a new meter immediately. He also submits that the bill was not prepared as per Appendix I of the Regulations, while assessing the energy, the connected load was not considered. The consumption of energy was analyzed only on the basis of MDI.

4. The Counsel for the Respondent controverts the statements of the counsel for the Petitioner and submits that the meter was not replaced on the date of receiving the information since there was a process change in cases of voluntary disclosure of tampered meter, which called for inspection of the premises. Due to time required to implement this change, there was a delay in the inspection which was carried out on 12.01.2018. At the time of inspection, the premise of the Petitioner was found locked from inside and the workers and owner of the premises sitting inside, refused entry to the Respondent. The entire team of the Respondent waited outside the premises but the gate of the premises was not opened and the Petitioner refused entry for inspecting the premises. Therefore, a notice under section 163 was pasted on the meter and on the gate of the premises. The Respondent inspected the premises again on 15.01.2018. Supply was restored through new meter on the same day.
5. On the issue of assessment of bill, the Respondent submits that at the time of inspection, it was observed that the connected load on the said meter was zero, meter output load was found terminated through kitkat (fuse) and there was no outgoing supply from the said kitkat fuse. All load was found connected from meter no. 19008211. The Maximum demand was observed to be 32.30Kw before meter change. Supply was restored through new meter on the same day. The Respondent further submits that it was evident that the connected load was removed deliberately by the consumer to manipulate for his personal benefit and therefore the connected load in the inspection report was not used to calculate the bill. The assessment has to be on the basis of the MDI if the connected load is nil.
6. 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 violation of following Regulation:-

**Violation of Regulation 67 (1) of DERC (Supply Code and Performance Standards) Regulations, 2017**

Regulation 67 (1) is as follows:-

*"In case a consumer comes forward and voluntarily declares tampering of meter and/or seals, the Licensee shall immediately replace the tampered meter with a new meter"*

As per the above Regulation, the Respondent has to replace the meter immediately. However, the Commission observes that the Respondent replaced the meter after 28 days. Hence, it appears that the Respondent has contravened the provisions of Regulation 67 (1) DERC (Supply Code and Performance Standards) Regulations, 2017.

7. In view of the aforesaid, the Respondent is hereby directed to show cause as to why action u/s 142 of the Electricity Act, 2003 should not be taken against it for prima-facie violation of above Regulations. The Respondent is directed to file its reply within four weeks from the date of receipt of this notice and to serve a copy of the same to the complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
8. Take notice that in case the Respondent above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Respondent has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
9. The next date of hearing shall be intimated to the parties in due course.
10. Ordered accordingly.

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