

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

In the matter of: Amnesty Scheme for Voluntary Declaration of Category of Use and Connected Load for Consumers.

And

In the matter of:

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

BSES Yamuna Power Ltd.
Through its: CEO
Shakti Kiran Building,
Karkardooma,
Delhi-110092.

North Delhi Power Ltd.
Through its: CEO
33kV Sub-station,
Tata Power Hudson Lane,
Kingsway Comp, Delhi-110009.

ORDER

(Date of Order: 05.09.2008)

The DISCOMS, namely, BRPL, BYPL & NDPL in their separate letters, all dated 02.09.2008, have submitted a common proposal seeking the Commission's approval for Amnesty Scheme on voluntary declaration of category of use and connected load. The proposed scheme is intended to cover the following category of consumers:

- (i) Consumers with sanctioned category as domestic, industrial and agricultural but, being used for commercial category, as also for consumers with sanctioned category as agriculture but, being used for domestic category;
- (ii) Consumers having mixed use;
- (iii) All domestic and commercial consumers intending to get their load enhanced without any change of category;

- (iv) For those cases who have already booked in misuse but, their cases are not settled till date.
- (v) Consumers having sanctioned category as domestic or commercial but, used for industrial category on production of valid license from MCD.

The object of the scheme is stated to minimize the violation of the provisions of Section 126 of the Electricity Act, 2003 (in short 'The Act') as well as Regulations 57 to 59 of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007 (in short 'the Performance Standards Regulations'). The DISCOMs have submitted that the object of this scheme is to reduce the violations of unauthorized use of electricity, to charge consumers under correct tariff category as per their actual use and to align sanctioned load with the load actually being used. It has been further submitted that the scheme will provide the consumers of NCT of Delhi one time opportunity to regularize their unauthorized use/tariff category, on fulfilling simple documentation across the counter.

The Amnesty scheme submitted by the DISCOMs has been perused in the light of the relevant provisions of the Act, read with the relevant provisions of the Performance Standards Regulations, 2007. Section 126 of the Act stipulates the procedure for assessment of electricity bill by an Assessing Officer and in clause 5 of this Section (as amended) it has been stated that, *"If the assessing officer reaches to the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection ."*

Regulations 57 to 59 of the aforesaid Regulations deal with unauthorized use of electricity and the procedure for booking a case for unauthorized use. In later part of Regulation 59, it has been mentioned that, *"where it is established that there is a case of Unauthorized Use of Electricity, the Licensee shall assess the energy consumption for past three (3) months for domestic and agricultural connection and for past six (6) months for other categories as per the assessment formula given in ANNEXE-XIII and prepare final assessment bill on 1.5 times the rates as per applicable tariff and serve on the consumer under proper receipt. The consumer shall be required to make the payment within seven days of its*

proper receipt. The Licensee may, taking into consideration the financial position and other conditions of the consumer, extend the last date of payment or approve the payment to be made in installments. The amount, the extended last date and/or time schedule or payment/installments should be clearly stated in the speaking order. A copy of the speaking order shall also be handed over to the consumer under proper receipt."

In fact, the above provision in Regulation 59 was incorporated on the lines of unamended provisions of clause 5 of Section 126 of the Act. It would be thus evident that later part of Regulation 59 will have no application once the said provision has been amended in the Act itself. Notwithstanding the position explained here in above, there is no change with respect to other provisions of Regulation 59 which deal with the aspect of 'personal hearing' in the case of unauthorized use of electricity.

While going through the scheme, it has been observed that the proposed scheme seems to facilitate the consumers and afford them an opportunity to come forward voluntarily and declare their actual category of use and connected load so as to regularize their connections without undergoing the long drawn process of enforcement, assessment, hearing, speaking order and appeal etc. The procedure prescribed and the documents mentioned in the proposed scheme also reveal that the scheme is intended to resolve the problems of consumers by following a simple procedure by submission of certain documents across the counter. A copy of the scheme submitted by the DISCOMs is enclosed herewith as Annexure which shall form an integral part of this order.

After going through various aspects of the proposed scheme the Commission feels that the scheme is in larger public interest and would benefit not only the consumers but also the power sector of Delhi as there may be a large number of consumers who might be using their electricity connection for some other purpose than the one for which it was sanctioned, which may be intentional or un-intentional or incidental. This scheme would also be beneficial to the DISCOMs as it would bring the consumers in their billing net as per actual use and also save their resources and efforts in carrying out enforcement activities and consequential preparation of assessment bill, speaking order and then deal with the appeals arising there-from. The Commission also feels that the present scheme would help substantially to reduce the cases of misuse of electricity.

Keeping in view various aspects of the proposed scheme, discussed *ibid*, the Commission decides to exercise its power under Regulation 70 of the aforesaid Regulations which empowers the Commission to relax any of the provision of these Regulations in public interest and also to issue a general or special order to remove difficulty in giving effect to the provisions of these Regulations subject to the condition that such order is not inconsistent with the provisions of the Act. The Commission, therefore, in public interest, relaxes the provisions of Regulations 57 to 59 of the aforesaid Regulations for the period specified in this order to the extent required, to facilitate smooth and easy implementation of the amnesty scheme submitted by the DISCOMs (Annexure) subject to the following conditions:

- (a) Extensive publicity shall be given to the scheme by the distribution companies.
- (b) Enhancement of load can be done routinely and relaxation of any Rule or Regulation is not required.
- (c) While implementing the scheme the DISCOMs will ensure that all relevant Legal Provisions/Existing Laws/Rules/Regulations Tariff Orders including Terms and Conditions of Tariff are complied with.

The scheme shall be valid only for a duration of 30 days from the effective date.

The Commission further directs that the DISCOMs shall furnish the details of voluntary declarations, number of cases resolved in each DISCOM area and the total revenue collected, within 60 days after the closure of the scheme.

Ordered accordingly.

Sd/-
(K. Venugopal)
Member

Sd/-
(Berjinder Singh)
Chairman