

**COMPETITION COMMISSION OF INDIA**

Dated : 31.05.2011

Case No. RTPE No. 19/2008  
UTPE No. 45/2005

In Re: Suomoto case by MRTPC

Vs.

- (i) North Delhi Power Limited
- (ii) BSES Rajdhani Power Limited; and
- (iii) BSES Yamuna Power Limited

Opposite Parties

**Order under Section 27 of the Competition Act**

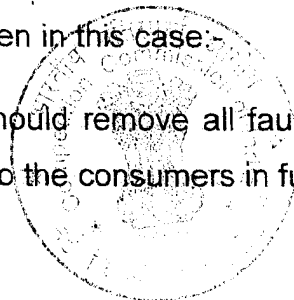
Per R. Prasad, Member (dissenting):

These two cases were received on transfer from the MRTP Commission under the section 66 of the Competition Act. The issues involved in these two cases are the same as discussed earlier and decided by the Commission in case number 6 of 2009. Both the cases were referred to the DG for investigation and DG has reported that this case is similar to that of case number is 6 of 2009. In the normal course a copy of the DG's report should have been sent to the parties concerned but in this case the said copies were not sent to the concerned parties on the ground that the issues have already been decided by the Commission. The majority view in the Commission was that there was no case and therefore the case had been closed.

2. In the earlier case 6 of 2009 I had not agreed with the majority view and had given a dissenting view. As the facts in this case are the same as in case number 6 of 2009 without discussing the issues in this case it is held that there has been a violation of section 4 of the Competition Act.

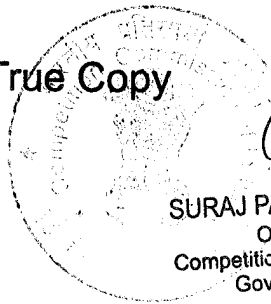
3. The directions given in this order would be therefore relevant in this case also. The following directions are being given in this case:-

- (i) The opposite parties should remove all faulty meters and ensure that such meters are not supplied to the consumers in future.



- (ii) Comply with the sectoral laws and cease and desist from publishing incorrect or incomplete information or misleading the consumers in any manner with respect to the choice of meters available to the consumers.
- (iii) Cease and desist from anti-competitive practices of limiting the consumers' choice of meters to only the vendors of meters approved by the opposite parties and directly or indirectly restricting and / or denying market access to the relevant markets of distribution, supply of consumer meters.
- (iv) Published complete and accurate information on their respective websites as required by the relevant laws and take necessary steps to make consumers aware of their right to procure a meter of their own choice.
- (iv) The opposite party should follow the monthly billing system as the system is being followed i.e. on prorata basis leads to overcharging of the consumers in the area of electricity bills.

Certified True Copy



*SP Gahlaut*  
14/7/2011  
SURAJ PARKASH GAHLAUT  
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Competition Commission of India  
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14.7.2011