

**(TO BE PUBLISHED IN DELHI GAZETTE EXTRAORDINARY PART)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**

**Delhi Electricity Regulatory Commission
Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017**

**Notification
Delhi**

No. F.17(85)/DERC/Engg./2018-19/6213 – Pursuant to the directions received from the Govt. of NCT of Delhi under Section 108 of the Electricity Act, 2003, the Delhi Electricity Regulatory Commission, in exercise of the powers conferred by Section 46, 50 read with Section 57, 181(1) and 181(2) of the Electricity Act, 2003 (Act 36 of 2003) and all other powers enabling it in this behalf, hereby makes the following Regulations to amend the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 (hereinafter referred to as “the Principal Regulations”):

1.0 Short title and commencement:

- (1) These Regulations may be called the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) (Third Amendment) Regulations, 2018.
- (2) These Regulations shall come into effect from the date of their publication in the official Gazette.

2.0 Amendment of Regulation 70 of Principal Regulations:

In regulation 70 of Principal Regulations, after sub-Regulation (7), the following shall be inserted namely:

- (8) After restoration of power supply, a confirmation message shall be sent to the consumer with restoration date and time.

3.0 Amendment of Regulation 76 of Principal Regulations:

Regulation 76 of Principal Regulations ‘Procedure for Determination and payment of compensation amount’ shall be substituted as under:-

76. Procedure for Determination and Payment of compensation amount:-

(1) General:

- (i) The Licensee shall upload on its website the list of its offices and designated officers to settle claims for compensation.
- (ii) All payments of compensation shall be made by way of adjustment in current and/or future bills for supply of electricity raised against CA Number of the consumer:

Provided that in case the compensation is paid to the applicant who is not consumer, the Licensee shall compensate by any mode of payment other than cash as approved by the Commission.

(2) For failure of standards of performance other than power supply failure:

- (i) Any person who is affected by the failure of the Licensee to meet the standards of performance specified herein and who seeks to claim compensation shall file his claim with the concerned Licensee within a maximum period of 60 (sixty) days from the date such a person is affected by such failure of the Licensee to meet the standards of performance.
- (ii) The Licensee shall compensate the affected person(s) within a maximum period of 90 (ninety) days from the date of filing his claim:

Provided that in case the Licensee determines that compensation is not payable to the affected consumer, the Licensee shall record the reasons in writing after giving opportunity to the consumer of being heard, giving due justification for their action and communicate the same to the consumer.

- (iii) In case the Licensee determines that no compensation is payable to the affected consumer or if the affected person is aggrieved by non-settlement of his claim, the aggrieved person may approach the respective Forum for redressal of grievances to seek such compensation.
- (iv) If the aggrieved person is not satisfied with the decision of the Forum, the affected consumer may approach the Ombudsman for redressal of his grievance.
- (v) In case the claim for compensation for violation of standards of performance is upheld by the Forum or Ombudsman, as the case may be, after following due process of Law, the compensation

shall be determined in accordance with the Schedule-I of these Regulations:

Provided that the Forum or the Ombudsman may in addition to the compensation, award interest at the bank rate for the period from date when the compensation became first due.

- (vi) The compensation shall be payable by the licensee but not later than 90 (ninety) days from the date of a direction issued by the Forum or by the Ombudsman, as the case may be.

(3) For failure of standards of performance for restoration of power supply:

- (i) In case the licensee fails to meet the standards for restoration of power supply, the compensation shall be payable automatically by the licensee to all the affected consumers, without requiring a claim to be filed by the consumer.
- (ii) The licensee shall enclose a statement of (i) scheduled power outages, (ii) unscheduled power outage separately occurred during previous billing cycle and the amount of compensation payable to the consumer in each instance to the current bill:

Provided that in all such cases where the Licensee claims that the power supply failure is not attributable to him, the Licensee shall record the reasons in writing, for each instance giving due justification for their action in the above statement:

Provided further that if there is no outage during the previous billing cycle, a statement indicating nil outage shall be enclosed by the distribution licensee to the bill.

- (iii) Where failure of power supply is affecting one consumer or more than one consumer, the default for the purpose of computing compensation shall be considered from the time first complaint is made by any of the affected consumer.
- (iv) In case a group of consumers is affected, the licensee shall identify all the affected consumers from their own records.
- (v) The licensee shall pay compensation to all the affected consumers within 90 days from the last date of previous billing cycle for which statement of compensation was enclosed, by way of credit in the bill for supply of electricity raised against

the CA number of the consumer. A confirmation message to the consumer shall also be sent.

- (vi) In case the Licensee determines that no compensation is payable to affected consumers or if the affected person is aggrieved by non-redressal of his grievances or the affected consumer believes that the statement enclosed for power supply failure is factually incorrect, the aggrieved person may approach the respective Forum for redressal of grievances to seek such compensation.
- (vii) If the aggrieved person is not satisfied with the decision of the Forum, the affected consumer may approach the Ombudsman.
- (viii) Where the claim for compensation for violation of standards of performance for power supply failure is upheld by the Forum or Ombudsman, as the case may be, after following due process of Law, the amount of compensation in such cases shall be Rs. 5000/- or five times of the compensation payable originally, whichever is higher.
- (ix) The compensation shall be payable by the licensee but not later than 90 (ninety) days from the date of a direction issued by the Forum or by the Ombudsman, as the case may be.
- (x) The licensee shall submit a report to the Commission of all such credited compensations on weekly basis.

4.0 Amendment of Schedule-I of Principal Regulations:

- (1) In Schedule-I of Principal Regulations on 'Guaranteed Standards of performance and Compensation to Consumers in case of default', Point no. 14 on 'Power Supply Failure' and 'Note' shall be substituted as under:-

"14. Power Supply Failure

- (a) *Compensation for power supply failure, standard for restoration and compensation payable for a consumer shall be as under:*

Sl. No.	Service Area	Standard for restoration of power supply	Computation of period of default	Compensation payable to the consumer for the period of default in case of violation of standard

(1)	(2)	(3)	(4)	(5)
(i)	Unscheduled power failure for any reason whatsoever, for a single time during an entire day, except the exemption as mentioned at Regulation 83	Within One Hour	After lapse of one hour for a day from the time 1 st complaint has made by any of the affected consumer.	Rs. 50 per hour per consumer for the first two hours of default. Thereafter, Rs. 100 per hour per consumer.
(ii)	Re-occurrence of Unscheduled power failure for any reason whatsoever, to same consumer on same day, except the exemption as mentioned at Regulation 83	Immediate	Immediately after 1 st complaint has made by any of the affected consumer.	Rs. 50 per hour per consumer for the first two hours of default. Thereafter, Rs. 100 per hour per consumer.
(iii)	Scheduled power outages	Within 12 hours or restoration of power supply by 6PM in a day	From the lapse of 12 hours from the scheduled start of maintenance or after 6PM of the day whichever is earlier	Rs. 50 per hour per consumer for the first two hours of default. Thereafter, Rs. 100 per hour per consumer.
(iv)	Replacement of burnt meter or stolen meter	Restoration of supply within three hours either by bypassing the burnt meter or by installing temporary meter.	After lapse of 3 hours from the time consumer has made the complaint	Rs. 50 per hour per consumer for the first two hours of default. Thereafter, Rs. 100 per hour per consumer
(v)		Meter to be replaced within three days	After lapse of 3 days from the time consumer has made the complaint	Rs.50 for each day of default

(b) Any claim arising on account of power failure shall not be admissible for those consumers who have outstanding dues upto preceding billing cycle, or have been, during last two years, either convicted for theft of electricity or finally assessed for Unauthorised Use of Electricity.

Note:

- (i) For the purpose of determination of compensation to the consumer in case of violation of standard, the days beyond the standard for period of default shall be taken as calendar days.*
- (ii) Where the compensation payable has been specified based on default in days and the default is for a part of the day, the compensation shall be payable for the whole day.*
- (iii) Where the compensation payable has been specified based on default in hours and the default is for a part of the hour, the compensation shall be payable on pro-rata basis."*

Sd/-
(Surendra Edupghanti)
Secretary

Date: 18.12.2018
Place: New Delhi

Note: The Principal Regulations were published on 17th August, 2017 in the Delhi Gazette, Extraordinary, Part III at N.C.T.D. No. 218, 1st Amendment Regulations were published on 16th February, 2018 in the Delhi Gazette, Extraordinary, Part III at N.C.T.D. No. 447 and 2nd Amendment Regulations were published on 15th October, 2018 in the Delhi Gazette, Extraordinary, Part III at N.C.T.D. No. 633.