



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

F.11(1672)/DERC/2018-19

Petition No. 22/2019

Under section 142 of the Electricity Act, 2003

In the matter of:

Sh. Ravi Aggarwal

.....Complainant

Versus

Tata Power Delhi Distribution Ltd.

.....Respondent

Coram:

Hon'ble Sh. Justice S S Chauhan, Chairperson

Hon'ble Sh. A.K. Singhal, Member

Hon'ble Dr. A.K. Ambast, Member

Appearance:

1. Shri B P Aggarwal, Counsel for the Petitioner;
2. Shri Manish Srivastava, Advocate for Respondent;

INTERIM ORDER

(Date of Hearing: 06.01.2020)

(Date of Order: 10.01.2020)

1. The complainant Shri Ravi Aggarwal has filed the present Petition under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure laid down in the DERC (Supply Code and Performance Standards) Regulations, 2017 (hereinafter referred to as SOP Regulations, 2017).
2. The Petitioner has alleged that while booking the case of theft of electricity, (Meter tampering), the Respondent has violated following Regulations of SOP Regulations, 2017:
 - (i) Regulation 32 (8)(i): - No intimation about testing of meter;
 - (ii) Regulation 55 (4): - No videography of inspection;
 - (iii) Regulation 63 (2): - wrong period of assessment;
 - (iv) Regulation 63(4): - No credit of units consumed.
3. In the reply to the notice, the Respondent has denied the allegations and has stated that the Petition has no merit therefore liable to be rejected at initial stage. The Respondent has acted in accordance with provisions of law hence the petitioner is not entitled to any other relief in this matter.

4. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the petition is admitted as there exists a prima-facie case of violation of following Regulations: -

a) Violation of Regulation 32 (8) (i) of DERC Supply Code, 2017.

Regulation 32 (8) (i) is as follows: -

(8) Testing of tampered meter: -

(i) If the Licensee suspects a case of unauthorised use of electricity and theft of electricity through a tampered meter, the meter shall be tested in an accredited laboratory notified by the Commission for that purpose:

The Petitioner alleged that as per the regulation the meter shall be tested in an accredited laboratory notified by the Commission for that purpose, whereas it was tested in Respondent's own Lab.

The Respondent has submitted that the meter was sent to EQDC (Electronic and Quality Development Center) which has been established by Govt. of Gujarat & under STQC (Standardization Testing and Quality certification), Dept. of Electronics and Information technology, Ministry of Communication and Information technology. EQDC has received accreditation from National Accreditation Board for Testing and calibration laboratories (NABL).

The Commission observes that the EDQC Lab, where the meter was tested is not an accredited laboratory notified by the Commission. Hence, it appears that the Respondent has contravened the provisions of Regulation 32(8)(i) of SOP Regulations, 2017.

b) Violation of Regulation 63 (2) of DERC Supply Code, 2017

Regulation 63 (2) is as follows: -

(2) The period of assessment for theft of electricity shall be for a period of 12 (twelve) months preceding the date of detection of theft of electricity or the exact period of theft if determined, whichever is less:

Provided further that period of theft of electricity shall be assessed based on the following factors: -

(i) actual period from the date of commencement of supply to the date of inspection;

(ii) actual period from the date of replacement of component of metering system in which the evidence is detected to the date of inspection;

(iii) actual period from the date of preceding checking of installation by authorized officer to date of inspection;

(iv) data recorded in the energy meter memory wherever available.

(v) based on the document being relied upon by the accused person.

The Petitioner alleged that the Respondent has raised the theft bill for the period 08.07.2017 to 07.07.2018, whereas the last inspection was carried out on 30.06.2018 when the seals of the meter box, etc. were replaced and data of the meter was downloaded. The action of the Respondent is against the Regulation because as per this regulation, the bill of theft of energy was required to be raised for the actual period based on the factors mentioned in the Regulation.

The Respondent has submitted that as per the observation of the inspection team, a completely burnt meter body was found along with meter box and resin

cast CT at Petitioner's premises. The report of forensic Lab, based on the visual physical, chemical and stereomicroscope as well as tool marks examination of the remnants of the burnt electric meter, indicated that the cause of burning of digital electric meter was due to superficial burning of the meter. Hence the findings and report is correct and there is no violation of Regulation 63 as alleged by the petitioner. Therefore, the period of assessment of bill is as per provisions and same is correct and payable.

The Commission observes that as per the Petitioner, on 09.07.2018 an inspection was made, therefore the bill should be raised for the period from the date of preceding checking of installation by authorized officer to the date of inspection. Hence, it appears that the Respondent has contravened the provisions of Regulation 63 (2) (iii) of SOP Regulations, 2017.

c) Violation of Regulation 63 (4) of DERC Supply Code, 2017

Regulation 63 (4) is as follows: -

(4) While making the assessment bill, the Licensee shall give credit to the consumer for the electricity units already paid by the consumer for the period of the assessment bill.

The Petitioner alleged that the Respondent was required to deduct the number of units consumed from the assessed units but in the present case the Respondent fails to do so. Whereas the Respondent has submitted that adjustment for regular bill paid by the petitioner has already been given in the final bill, hence there is no violation of Regulation 63 (4).

The Commission observes that the Respondent has to adjust the electricity units already paid by the consumer for the period of the assessment bill and not the amount already paid by the consumer. Hence, it appears that the Respondent has contravened the provisions of Regulation 63 (4) of SOP Regulations, 2017.

5. 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 aforesaid 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, thereafter.

6. The next date of hearing shall be intimated to the parties in due course.

7. Ordered accordingly.

Sd/-
(A.K. Ambasht)
Member

Sd/-
(A.K. Singhal)
Member

Sd/-
(Justice S S Chauhan)
Chairperson