

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017

Ref. F.11(619)/DERC/2010-11/C.F.No. 2597/6991

Petition No. 72/2010

In the matter of: Complaint under Section 142 of the Electricity Act, 2003.

AND

In the matter of:

Sh. Ashok Kumar Jindal
H.No. 4644, Roshnara Road,
Sabzi Mandi,
Delhi-

...Petitioner

VERSUS

M/s Tata Power Delhi Distribution Limited
Through its : **MD**
Hudson Lines, Kingsway Camp,
Delhi-110 009

...Respondent

Coram:

**Sh. P.D. Sudhakar, Chairperson, Sh. Shyam Wadhera, Member &
Sh. J.P. Singh, Member.**

Appearance:

1. Sh. K.L. Bhayana, Advisor TPDDL;
2. Sh. Ajay Kalsi, Company Secretary, TPDDL;
3. Sh. Manish Srivastava, Advocate, TPDDL;
4. Sh. B. K. Sharma, Advocate of complainant;
5. Sh. Ashok Kr. Jindal, Complainant.

INTERIM ORDER

Date of Hearing: 28.02.2012

(Date of Order: 23 .03.2012)

1. The above complaint has been filed by Sh. Ashok Kr. Jindal, who is a registered consumer of TPDDL having K.No. 35100241788 for commercial purpose.

2. The matter was listed for admission in the Commission on 28.02.2012, the hearing of which was attended by the above representative of both parties. In the course of hearing, the counsel of the Respondent submitted that since the Apex Committee of the Respondent in pursuance of the undertaking given by it before the PGC has dropped the DAE case booked against him, therefore, the matter may kindly be disposed off. However, the counsel of the petitioner asked for penal action against the Respondent under section 142 of the Electricity Act, 2003, on the ground that the Respondent has not complied with the provisions of the Regulations applicable at that time. In the instant case from perusal of the facts and documents submitted before the Commission, prima facie the following violations of prevailing DERC (PS & MB) Regulations, 2002 have been observed:

- (i) The said meter had burnt out and complaint for the same was lodged by the complainant on the same day i.e. 07.04.2006 at 7.30 a.m. and in compliance of which the officials of Respondent visited the above premises and gave direct supply to the premises as the meter terminals were found burnt. The above fact has already been mentioned in the photocopy of the register of the Respondent dated 07.04.2006, however, there is no record showing the replacement of the above old meter by a new meter within three days which is the mandatory requirement under Regulation 20(iii)(a) of the above Regulations. Moreover, it appears that the Respondent instead of replacing the above meter within the prescribed period of three days booked a case under Section 135 of EA, 2003 against the complainant. Hence, prima facie, there appears to be a violation of Regulation 20(iii)(a) as indicated above.

(ii) Prima facie it also appears that the Speaking Order/Assessment Bill was issued on 01.10.2007 where as inspection was done on 08.01.2007 i.e. after a lapse of around 10 months, which appears to be in contravention of Provisions 26(i) to (iv) & 27 (i) & (ii) of the above Regulations which prescribe a time limit for taking cognizance on the above including filing / lodging of report with the local police and in case of nonpayment, disconnection of supply. The instant case prima facie appears to show non compliance of the above provisions by the Respondent.

3. In view of the above, the Commission hereby ask the Respondent to Show Cause as to why penal action should not be taken against it for prima facie violation of the above said Regulations of Supply Code as given in Para 2(i) and 2(ii) above.
4. The Respondent is directed to file its reply within two weeks from the date of receipt of this order with a copy to be served to the complainant. The complainant is also given liberty to file its rejoinder in next seven days from the receipt of the reply of the Respondent.
5. The matter is now being listed for hearing on 17th April, 2012.
6. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON