

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

F.11(1704)/DERC/2019-20

Petition No. 38/2019

Under section 142 of the Electricity Act, 2003

In the matter of:

M/s Big Jo's estates Ltd.

Through its Authorized representative

Shri Laxman Singh,

.....Complainant

Versus

Tata Power Delhi Distribution Ltd.

Through its: M.D

.....Respondent

CORAM: Hon'ble Mr. Justice S S Chauhan, Chairperson

Appearance:

1. Shri V.K. Goel, Counsel for the petitioner;
2. Shri Manish Srivastava, Counsel for the Respondent;

INTERIM ORDER

(Date of Hearing: 03.12.2019)

(Date of Order: 05.12.2019)

1. The Instant Petition has been filed by M/s Big Jo's Estates Ltd. against Tata Power Delhi Distribution Limited (TPDDL) for violation of the provision under Section 47(4) of the Electricity Act, 2003, whereby the Discom is liable to pay interest on the security deposited by the consumer.
2. The Petitioner has submitted that it has deposited the amount of security deposit to a tune of Rs. 16 Lakh at the time of sanction of the electricity connection, however, the Respondent is not paying interest on the security deposit amount of Rs. 16 lakh rather it is paying interest on security deposit of a lesser amount of Rs. 3.7 lakh. The Petitioner has also filed the copy of Demand Note along with the copy of the cheque of Rs. 16 lakh claimed to be paid to the predecessor of the Respondent namely Delhi Vidyut Board (DVB).
3. The Respondent has submitted that in the record of the Respondent, the amount of Rs. 16 lakh claimed to be paid by the Petitioner is not reflected and at present they have record of only Rs. 3.09 lakh of Security deposit by the Petitioner and as per the provision of Section 47 (4) of the Electricity Act, 2003 they are regularly paying interest on the security deposit amount reflecting in

its record. It is further submitted by the Respondent that the Petitioner has to prove that it has deposited Rs. 16 lakh to the DVB because unless there is a proof of deposit of such amount as security it would not be possible to the Respondent to pay interest on it. It is further argued by the Respondent that the Petitioner had claimed that the sanctioned load was 800 KW and it has paid corresponding security deposit at the rate of Rs. 2000 Per KW, whereas as per record the sanctioned load was 275 KW which was later enhanced to 400 odd KW and the Petitioner has deposited additional security deposit to the differential increase in the sanctioned load, which is clearly reflected in the record.

4. The submissions of the parties have been considered and it is made clear that the Respondent has to pay interest on the security deposited by the Petitioner with predecessor entity of Respondent namely DVB. All the assets and liabilities of predecessor entity becomes part of the successor entity and therefore, on any security deposit made with the DVB, the Respondent Discom is liable to pay interest. From the copy of the documents submitted by the Petitioner i.e. the Demand Note and cheque of Rs. 16 lakhs, it prima-facie appears that the Petitioner has deposited Rs. 16 lakhs to DVB and the Respondent Discom is in violation of Section 47(4) of the Electricity Act, 2003, by not paying interest on the entire amount of Rs. 16 lakhs.
5. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the provision of above-mentioned Section of the Electricity Act, 2003 should not be taken against it. The Respondent is directed to file its reply within four weeks with service of a copy to the Petitioner. The Petitioner has also been given liberty to file rejoinder, if any, within a week of above filing.
6. The next date of hearing shall be intimated to the parties in due course.
7. Ordered accordingly.

Sd/-
(Justice S S Chauhan)
Chairperson