

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17**

**Petition No. 11/2008**

**In the matter of:**

Inder Mohan Singh  
BQ-54, Shalimar Bagh,  
Delhi - 110 088.

.....**Complainant**

**VERSUS**

North Delhi Power Ltd.  
Through: its **CEO**  
Sub-Station Building,  
Hudson Lines, Kingsway Camp,  
Delhi-110009.

.....**Respondent**

**Coram:**

**Sh. Berjinder Singh, Chairman, Sh. Shyam Wadhera, Member &  
Sh. Subhash R. Sethi, Member.**

**Appearance:**

1. Sh. Vishnu Sharma, Advocate for Petitioner.
2. Sh. Inder Mohan Singh, Petitioner
3. Sh. K. Datta, Advocate for NDPL
4. Sh. O.P. Singh, Manager, NDPL

**ORDER**

(Date of Order: 28.04.2010)

1. In the instant petition, the petitioner has prayed the following:
  - a) To set aside/Quash the demand of bill for duration of the period of earth leakage i.e. for the period w.e.f 11.5.2006 to 19.10.2006 and bill for jumping of meter reading for the period 6.4.2007 to 14.6.2007 and issuance of direction to the opposite party, to treat these periods as defective meter and assess the said period on the basis of consumption recorded after repairing of the earth leakage problem i.e. consumption which has been recorded after 3.12.2006.
  - b) Issuing of Direction to the respondent to pay a compensation of Rs.1,00,000/- to the petitioner.
  - c) To award the cost of the present proceedings in favour of the petitioner.
2. The petitioner submitted that in the month of July 2006, the complainant received a bill Rs.20037/- showing a consumption of 4266 unit in the period w.e.f. 11.5.2006 to 17.6.2006, which is too high in comparison to the consumption recorded in the same period/month in the previous year.

The petitioner has submitted that against the above he filed a protest application in the office of Respondent on 30.11.2006 vide diary No. 1274 stating that the meter of the complainant is showing indication of earth leakage due to which the meter is showing more consumption. It has submitted that following the above letter two officials of the Respondent visited the premises of the complainant on 2.12.2006 and checked the meter and admitted that there is an earth leakage in the meter and advised the consumer to consult the local electrician for repairing of the same. It has been stated that the complainant after getting repaired the above earth leakage from the local electrician, intimated the Respondent on 5.1.2007. That the meter is now showing correct consumption, as consumed actually.

3. It is further submitted that meter reading of the complainant's meter had jumped during the period 6.4.2007 to 14.6.2007 and the complainant received an abnormal bill for the consumption of 8910 units amounting to Rs.41957/-. The complainant then approached the office of the Respondent regarding the above meter jump but the Respondent refused to accept the complaint and advised the complainant to first deposit the bill and only thereafter his complaint of meter jump shall be considered.
4. The above action of the Respondent forced the Complainant to file the above complaint.
5. On October 16, 2007, the Commission issued notice to the Respondent for filing its reply on the petition filed by the Complainant.
6. The Respondent NDPL filed its reply on October 24, 2007 which was taken on record. In its reply, the NDPL challenged the maintainability of the above complaint on the ground that the present dispute falls under Section 42(5) of the Electricity Act and therefore, it would be within the jurisdiction of appropriate Consumer Grievance Redressal forum i.e. CGRF (NDPL). In support of its claim it has cited judgements of the Hon'ble Supreme Court and ATE. However, it was submitted by the NDPL that the above reply is filed without prejudice to its right to file a suitable reply on merits to the allegations as contained in the complaint, as the same were not submitted by the Respondent while filing above reply.
7. The Commission listed the matter for hearing on 10.11.2009.

8. The Commission heard the matter in detail.
9. Both the parties were present.
10. Initially the Counsel of the Respondent NDPL Sh. K. Datta raised the issue of jurisdiction inviting attention of the Commission to section 42(5) of the Electricity Act, 2003, stating that being a billing dispute the above matter may be heard by the concerned CGRF. The Commission agrees that as far as billing dispute is concerned, the Commission has no jurisdiction as the Commission has already decided this issue in Vikas Road Line Vs. NDPL Petition No. 46/2004 and as cited by the Respondent in its reply in appeal No. 220 of 2006 titled M/s Polyplex Corporation Ltd. Vs. Utraranchal Power Corporation Ltd. and Ors. However, the same would not curtail the power of the Commission to hear a complaint of violation of the Regulations framed by the Commission/Rules and Regulations laid down by the Government under the statute. That being so in the instant case, the Commission heard the matter on the above complaint.
11. Sh. Vishnu Sharma, Advocate for the Petitioner submitted that the petitioner is a registered consumer of the respondent in respect of electricity connection bearing K. No. 45300142442 installed at his residence at BQ-54, Shalimar Bagh, Delhi. It was submitted that there was an earth leakage in the past and once the meter was also burnt. It has also been submitted that due to earth leakage the Respondent company raised the bills for very high amount which was protested by the Petitioner by requesting Respondent for making correction in the bill and despite of above request, the same was not corrected.
12. Sh. Vishnu Sharma further submitted that on 3.8.2009 some officials of the Respondent company came to the house of the petitioner in the absence of petitioner and threatened the female members of the family of the petitioner to disconnect the electricity supply of their premises and used very filthy and uncivilized language. The officials of the respondent pressurized the female members to issue a cheque in favour of the respondent and under such compulsion the daughter in law of the petitioner had to issue a cheque for Rs.88323/- in favour of the respondent.
13. Regarding jumping of the meter, the Commission observed that the bill raised for the period in dispute is well in consonance with the bill raised in

the corresponding period for the previous year, which is not showing much changes in the consumption pattern.

14. However, the Commission took notice of the complaint of the Complainant on the following two issues and directed the Respondent to file its reply within 3 days on the above:

- a) Whether the NDPL has given any written notice or mentioned in the bill regarding defect of earth leakage observed by its officials in the premises of the Complainant, a requirement to be complied with under Regulation 36 & 37 of the Supply Code 2007 and Rule 49 of the Electricity Rules 1956 by the Respondent?

**Regulation 36(iv)** of Delhi Electricity Supply Code and Performance Standard Regulations 2007:

*(iv) The licensee shall disseminate information with respect to Earth leakage in internal wiring for consumer benefit, as also about the need to maintain distinct phase and neutral wires per metered network within the premises.*

**Regulation 37(1)** *The meter shall be read once in every billing cycle. It shall be the duty of Licensee official reading the meter to check condition of LEDs ( light emitting device) on electronic meters. In case E/L LED indicator, provided on electronic meters, is found 'ON' he shall inform the consumer that there is leakage in the premises and advise him to get his wiring checked and leakage removed. He shall also inform concerned district manager about the leakage.*

15. As per Section 49 of The Indian Electricity Rules 1956, Leakage on consumer's premises:-

- (1) If the Inspector or any officer appointed to assist the Inspector and authorised under sub-rule (2) of rule 4A or the supplier has reason to believe that there is in the system of a consumer leakage which is likely to affect injuriously the use of energy by the supplier or by other persons, or which is likely to cause danger, he may give the consumer reasonable notice in writing that he desires to inspect and test the consumer's installation.*

- (2) If such notice being given –*

*(a) The consumer does not give all reasonable facilities for inspection and testing of his installation, or*

*(b) When an insulation resistance at the consumer's installation is so low as to prevent safe use of energy.*

*The supplier may, and if directed so to do by the Inspector shall discontinue the supply of energy to the installation but only after giving to the consumer 48 hours' notice in writing of disconnection of supply and shall not recommence the supply until he or the Inspector is satisfied that the cause of the leakage has been removed.*

- b) Whether it is true that the officials of the Respondent who visited the premises of the complainant forced the daughter-in-law of the Complainant to deposit/give a cheque of Rs.88323/-.

16. In response to the above , the Respondent informed the Commission vide its letter No. NDPL/CCM/110 dated November 18, 2009 which was taken on record that the instant case has been settled amicably between the parties on dated 17.11.2009. A copy of memorandum of settlement was also annexed with the above letter. The content of which is shown as under:
- Under the settlement reached between both the Parties, the dispute in respect of K.No. 45300142442 stands settled. As per settlement the complainant will deposit an amount of Rs.64,635/- as full and final settlement which the Consumer shall pay on or before 20<sup>th</sup> November 2009 and undertakes to withdraw the complaint.*
17. The Respondent further vide its letter No. NDPL/CCM/110 dated November 20, 2009 submitted that on scrutiny of all available records, it has not found any instance of Earth Leakage being observed by its officials at site. However, in case Earth Leakage is observed at site, they duly inform the consumer through a special message indicated in their bill, advising them to get their wiring checked in compliance of Regulation 37(i) of Delhi Electricity Supply Code and performance Standards Regulations 2007.
18. On the issue of charging of money of Rs.88323/- and threatening of the consumer, the respondent submitted that it has issued various notices, through its different pattern of billing in different colour, indicating arrear of bill etc to the consumer which includes notice of disconnection of supply in case of non payment of all dues including arrears. It denied any threatening to the consumer by its officials.
19. The above reply submitted by the Respondent is contrary to the statement made by its representatives at the time of hearing before the Commission. Wherein its representatives admitted that they have intimated the earth leakage to the consumer.
20. After going through the written submissions filed by the Respondent and averment made / arguments advanced by both the parties at the time of hearing, the Commission observed that basically it involves two issues :
- i) There is a complaint regarding inflated billing.
  - ii) The petitioner has alleged that there was earth leakage.

21. So far as the billing dispute is concerned, the matter has been amicably settled between the consumer and the Respondent. Hence, no action is called for.
22. With regard to earth leakage, the petitioner has made allegation that there was an earth leakage in the premises due to which there was a jumping of meter. The Commission has examined the above issue on the line whether the facts of earth leakage was brought to the notice of consumer, as per the requirement of Rule 49 of the Electricity Rules 1956 or not.
23. The Respondent has stoutly denied the knowledge of any earth leakage. There is no material evidence available on record to establish that there was any earth leakage during the period. The Commission did not find any evidence of earth leakage within the knowledge of the respondent which can establish the above allegation. There is only an allegation made by the consumer.
24. Therefore, the Commission is of the opinion that the present complaint is not maintainable and is dismissed accordingly.
25. Respondent Licensee is advised to bring greater transparency in its functioning and to abide by the Electricity Rule 1956 in letter and spirit. The Respondent must also ensure that adequate remedial measures are being taken and apprise the Commission to avoid recurrence of such complaints in future.
26. Ordered accordingly.

sd-  
(Subhash R. Sethi)  
MEMBER

sd-  
(Shyam Wadhera)  
MEMBER

sd-  
(Berjinder Singh)  
CHAIRMAN