

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

No. F. 11(636)/DERC/2010-11/2658/5340

Petition No. 26/2010

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

In the matter of:

N K Sharma
H No.396, SFS, Phase-IV
Ashok Vihar
Delhi – 110052

...Petitioner

Versus

M/s Tata Power Delhi Distribution Ltd.
Through its : MD
Grid Sub-Station Building
Hudson Lines, Kingsway Camp,
Delhi-110009

...Respondent

Coram:

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

Appearance:

1. Petitioner in person.
2. Sh. Manish Srivastava, Counsel for the Respondent.
3. Sh. O P Singh, Sr. Manager, TPDDL
4. Sh. Shailender Singh, Sr. Manager, TPDDL.

INTERIM ORDER

(Date of Hearing: 31.10.2013)

(Date of Order:12.11.2013)

1. The Complainant has filed the instant petition under Section 142 of the Electricity Act, 2003 (hereinafter referred as the Act) for violation of Regulation 52 of DERC Supply Code, 2007.
2. In his petition, the Petitioner has submitted that on 26.04.2010, an inspection was conducted and a theft of electricity was suspected by the

Respondent. The meter was replaced on 15.05.2010. He further submitted that he received show cause notice on 22.05.2010 for personal hearing on 24.05.2010. A Speaking Order dated 28.05.2010 was issued along with Assessed bill for Rs. 27,564/-.

3. The Complainant has alleged that proper procedure has not been followed by the Respondent while booking the above case and the Respondent has made the following violations:
 - i. Regulation 52(viii)- The old meter was not removed and neither it was sent to a NABL lab for test nor Seizure memo was prepared.
 - ii. Regulation 52(vi)- A case was wrongly made on account of seal on the meter missing or tampered or breakage of glass window.
 - iii. Regulation 54- Notice was not served for default in payment and procedure in such cases for disconnection was not followed.
4. The Respondent in its reply dated 25.10.2010 has denied all allegations made against it and made following objections against the jurisdiction of the Commission:
 - i. The Complainant has already made the payment without any demure or protest and hence he may be stopped from challenging either the bill or speaking order as being accepted.
 - ii. Lack of jurisdiction.
5. On 09.05.2013, after hearing both the parties, the Commission directed the Respondent to visit the premises of the Petitioner on 10.05.2013 and seal the aforesaid meter strictly as per procedure laid down under Regulation 52 (viii) of DERC Supply Code, 2007 and get tested in M/s. Electrical Research and Development Association and file the report with the Commission. The Respondent submitted the meter testing report on 06.08.2013 before the Commission.
6. After that the matter was listed for hearing on 31.10.2013 which was attended by representatives of both the parties.
7. The Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the

material available on the record, the Commission is of the opinion that the petition may be admitted as the Respondent prima-facie appears to be responsible for the following violations:-

a. Violations of Regulation 52 (vi) of DERC Supply Code, 2007

As per Regulation, no case of theft shall be booked on account of seal on the meter missing or tampered or breakage of glass window, unless corroborated by the consumption pattern of consumer and such other evidences as may be available.

The Commission observed that the lab report of the ERDA mentioned that no evidence of tamper found on the meter, whereas the Respondent booked a theft case against the petitioner on account of seals on the meter missing or tampered or breakage of glass window.

b. Violations of Regulation 52 (viii) of DERC Supply Code, 2007

As per Regulation, it is mandatory on the part of the Respondent to remove the old meter under a seizure memo when the inspection is conducted and send the meter to an NABL accredited lab for testing.

The Commission observed that neither the meter was removed nor it was sent to an NABL accredited lab for testing.

c. Violations of Regulation 54 of DERC Supply Code, 2007

As per Regulation, a prior 15 days notice is mandatory in case of default in payment of the assessed amount which is followed by filing of a complaint in the designated special court; and disconnection of supply can be made only after getting an order from the Special Court.

The Commission observed that no such process was followed by the Respondent before the disconnection of supply of the Petitioner.

8. 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 above-mentioned Regulations and provisions

of law should not be taken against it. The Respondent is directed to file its reply within two weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.

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

10. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(Shyam Wadhera)
Member

Sd/-
(P. D. Sudhakar)
Chairperson