

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

No. F. 11(899)/DERC/2012-13/3834

Petition No. 30/2013

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

In the matter of:

Nirmal Singh
H.No.310, Delhi Admn. Flats
Nimri Colony, Ashok Vihar
Delhi.

...Petitioner

Versus

Tata Power Delhi Distribution Ltd.
Through its : MD
Grid Sub-Station Building
Hudson Lines, Kingsway Camp
New 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. Shri O.P. Singh, AGM, TPDDL.
4. Shri Shelendra Kumar, Sr. Manager, TPDDL.
5. Ms. Sarika Mehta, AM, TPDDL.

INTERIM ORDER

(Date of Hearing: 05.09.2013)

(Date of Order: 11.09.2013)

The instant petition has been filed by Nirmal Singh, under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the procedure laid down in Regulation 52 and 56 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 while booking the case of dishonest abstraction of energy.

2. In his petition, the Petitioner has alleged the following violations:
 - i. Regulation 52 (viii)- The old meter was neither sealed nor sent to NABL accredited laboratory for meter testing.
 - ii. Regulation 56- The Licensee did not give credit to the consumer for the payments already made by the consumer for the period of assessment bill.
3. Notice of the petition was issued on 01.04.2013 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 06.06.2013 and has sought dismissal of the above complaint on the following grounds:
 - i. The present complaint is liable to be dismissed at the outset, as the same does not even satisfy the requirements for invoking Section 142 of Electricity Act, 2003.
 - ii. The Commission has no jurisdiction to entertain the present complaint.
 - iii. The complainant has not approached the Forum with clean hands as he has already filed a civil suit No.84/2010 against the impugned DAE bill pending adjudication before Special Electricity Court, Rohini, Delhi.
 - iv. The complainant has already approached the CDRF for billing dispute.
 - v. The complaint is liable to be dismissed as the same is barred by the law of limitation.
5. The matter was listed for hearing on 05.09.2013 whereby representatives of both the parties were present.
6. 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) Violation of Reg. 52 (viii) of DERC Supply Code, 2007

The Commission observed that as per above Regulation, it is mandatory on the part of the Respondent to remove the old meter from the site as per procedure laid down therein and to send the same to the NABL accredited Laboratory for testing. However, the respondent neither removed the meter from the site nor sent the same to the NABL lab. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

b) Violation of Regulation 56 of DERC Supply Code, 2007

The Commission observed that the Respondent has issued final assessment bill on the basis of inspection and speaking order. However, no credits to the consumer have been given for the payments already made by the consumer for the period of assessment bill. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

c) Violation of Reg. 52 (iv) of DERC Supply Code, 2007

It has been observed by the Commission that the inspection report dt. 18.01.2010 prepared by the Respondent does not contain status of the seal; working of the meter etc. Even the report does not contain name and designation of the concerned officers of the Respondent. Hence, it appears that the Respondent has contravened to provisions of DERC Supply Code, 2007.

d) Violation of Reg. 53 (ii) of DERC Supply Code, 2007

In this regard, it has been observed the Respondent in its show cause notice dt. 03.02.2010 has directed to appear for personal hearing on 10.02.2010. The complainant replied the same vide its letter dt. 16.02.2010. However, the speaking order has been passed on 20.08.2010 i.e more than after six months, which is a violation of Regulation 53 (ii) of DERC Supply Code, 2007. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

7. 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.
8. The next date of hearing shall be intimated to the parties in due course.
9. Ordered accordingly.

Sd/-

(J. P. Singh)
Member

Sd/-

(Shyam Wadhera)
Member

Sd/-

(P. D. Sudhakar)
Chairperson