

**DELHI ELECTRICITY REGULATORY COMMISSION**

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

**F.11 (1218)/DERC/2015-16**

**Petition No. 27/2015**

Under section 142 of Electricity Act, 2003

**In the matter of:**

Shri Jai Bhagwan Aggarwal  
H. No. 16, 2<sup>nd</sup> Floor, Block A,  
Near Deepali Chowk Saraswati,  
Pitampura, New Delhi - 110034

.....**Complainant**

**VERSUS**

Tata Power Delhi Distribution Ltd.

**Through its: M.D**

Grid Sub – Station Building,  
Hudson Lines, Kingsway Camp  
New Delhi – 110009

.....**Respondent**

**CORAM: Sh. B.P. Singh, Member.**

**Appearance:**

1. Shri B.P. Agarwal, Counsel for the Petitioner;
2. Ms. Rishika, along with the Petitioner;
3. Shri Manish Srivastava, Advocate for Respondent;
4. Shri Neeraj Singh, AM, TPDDL;
5. Ms. Anukriti Jain, TPDDL;
6. Shri Bharat Bhalawat, TPDDL;
7. Shri Harsh Prakash, TPDDL

**ORDER**

(Date of Hearing: 08.03.2018)

(Date of Order: 05.04.2018)

1. The instant petition has been filed by Shri Jai Bhagwan Aggarwal under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure as laid down in Regulations of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Vide Interim Order dated 15.05.2017, a Show Cause notice was issued to the Respondent for violation of Regulations 49 (i) and 51 of Delhi Electricity Supply Code & Performance Standards Regulations, 2007. The Respondent replied to the Show Cause Notice on 30.06.2017.

3. The matter was heard on 08.03.2018 and both the parties submitted their respective versions. Based on the arguments put forth by the parties the Commission's findings are as follows:

**a) Violation of Regulation 49 (i) of DERC Supply Code, 2007**

Regulation 49 (i) provides that:-

*The Licensee may issue a disconnection notice in writing, as per section 56 of the Act, to the consumer who defaults on his payment of dues giving him fifteen clear days to pay the dues. Thereafter, the Licensee may disconnect the consumer's installation on expiry of the said notice period by removing the Service Line / Meter or as the Licensee may deem fit. If the Consumer does not make the payment within six months of the date of disconnection, such connections shall be treated as Dormant Connection.*

The Respondent has clarified that the disconnection notice dated 06.01.2015 was duly sent to the complainant after non-payment of bills on part of the complainant. The same has also been placed on record with the preliminary Reply dated 16.06.2015.

The Commission observed that the Respondent has failed to provide any proof to establish that the notice dated 06.01.2015 was served on the Petitioner. Hence, the Respondent has violated the Regulation 49 (i) of DERC Supply Code, 2007 by way of disconnecting the supply without serving any notice or intimation to the consumer which is mandatory as per the regulation.

**b) Violation of Regulation 51 of DERC Supply Code, 2007**

Regulation 51 provides that:-

*The Licensee shall reconnect the consumer's installation within two days of payment of past dues, reconnection charges and Service Line Charges, as applicable, for that Category of Consumer if the same has been removed by the Licensee at the time of disconnection. Dormant connections, however, would be reconnected only after all the formalities as required in the case of a new connection are complied with by the consumer.*

The Respondent has clarified that the complainant has made the payment of the outstanding dues on the premises on 09.03.2015, but did not apply for restoration of the connection, nor pay the Reconnection charges or service line charges in terms of Regulation 51 of DERC Supply Code, 2007. Though it was clearly mentioned that re-connection will be made after payment of re-connection charges etc. Thereafter, the complainant wrote a

letter to CEO, TPDDL on 16.03.2015 which was received on 20.03.2015 seeking reconnection. The same was treated as an application for reconnection and the supply was duly reconnected on 21.03.2015, after the Reconnection charges and service line charges were allowed to be charged through invoice. The reconnection was also done within 2 working days of the making of application. Thus, no violation of Regulation 51 of DERC Supply Code, 2007 can be established.

4. It is also observed that it was the duty of the Petitioner to pay for the electricity consumed by him. Non-payment of electricity dues for a period of one year for want of electricity bills was not a correct practice on part of the Petitioner.
5. For the reasons recorded above, the Commission imposes a penalty of Rs. 5,000/- for violation of Regulation 49 (i) of Delhi Electricity Supply Code & Performance Standards Regulations, 2007 to be paid within 30 days of the order.
6. The petition is disposed of and ordered accordingly.

Sd/-  
(B. P. Singh)  
Member