



Delhi Electricity Regulatory Commission

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

F.11(2085)/DERC/2022-23

Petition No. 12/2023

Under section 142 of the Electricity Act, 2003

In the matter of:

Kuldeep Yadav & Anr.

..... Petitioner

VERSUS

Tata Power Delhi Distribution Ltd.
Through its: CEO

..... Respondent

CORAM:

Hon'ble Justice (Retd.) Jayant Nath, Chairperson

Appearance:

1. Mr. Kuldeep Yadav, Petitioner in person
2. Mr. Manish Kumar Srivastava, Advocate for the Respondent

ORDER

(Date of Hearing: 07.08.2024)

(Date of Order: 12.08.2024)

1. This Petition is filed under Section 142 of the Electricity Act, 2003 seeking the following reliefs:

"B. Take cognizance of the offence committed by Respondent 1 and Respondent 2 in collusion against the interest of complainant, and initiate investigation u/s 128(1) of the electricity act as the complaint contents per-se amount to commission of multiple violations and offences of provisions in electricity act, derc power supply code, electricity reforms act.

C. Summon try and punish Respondent 1 and Respondent 2 for abetting as per u/s 150(2) of electricity act and committing the offences under section 135 (1) (c), 136 (1) (b) & (c) of electricity act

D. Order Respondent 1 (licensee) to remove the apparatus used for theft consequent to Inspection dated 02.05.2013 also to remove the meter of respondent 2 from premises of complainant and install it on the outside wall of the building where other meter is installed.

E. Revoke license of respondent 1 to perform function of discom after Inquiry into the conduct or functioning of Respondent 1 (licensee) u/s 23 of Delhi electricity reforms act 2000, since they defaulted in carrying out the

obligations under or regulations framed thereunder or the terms and conditions of its license in this instant case.

F. Direct Respondent 1 to pay compensation to complainant u/s 43(iii) for delayed service under Notification No. 2024040523."

2. The essence of the dispute as spelt out in the Petition is that the Petitioner/complainant had applied for a new electricity connection on 06.08.2020 for the second floor of his property. However, Respondent No.1 imputed the pending dues of Respondent No. 2 to the complainant and on 19.08.2020 communicated the same to the complainant. The full facts are not clearly spelt out.
3. The Petition further states that the complainant through his General Power of Attorney acquired the ownership and property rights of the second floor of the property in question and took possession of the same in October, 2003. At the time of taking possession, there was domestic electricity connection supplied to the first floor which was in the name of Respondent No.2, who was residing on the ground floor. Further, Respondent No. 2 on the ground floor had three different domestic electricity connections. Subsequently, there was certain disputes qua the said connection of Respondent No.2. Balance narration of facts pertain to Respondent No.2 and are not relevant.
4. It is noteworthy that the Petition does not reveal details as to when the connection in question was energized and the nature of damages suffered by him. It is, however, stated in the Petition that the Petitioner/complainant approached CGRF, who did not accept his plea and rejected the same vide order dated 17.11.2021. The complainant thereafter filed an appeal before the electricity Ombudsman, who also did not accept his plea.
5. The Respondent/TPDDL has filed its reply. The Respondent in its reply has said that on 06.08.2020, the complainant applied for a new electricity connection for the second and top floor of the premises. Incomplete commercial formalities were made and hence, an intimation letter was sent on 19.08.2020 showing some dues against Mr. Yashpal. The reply further states that one Mr. Gopal Krishan had been sanctioned the electricity connection for the ground floor in 2013. The electricity connection on the first floor for the same premises in the name of complainant's mother, Mrs. Kusum Lata was in the name of Mr. Gopal Krishan earlier and was changed in 2010.
6. To cut a long story short, after completing the requisite formalities by the complainant, the electricity connection was released on 07.10.2020.
7. Based on the above details, the present Petition is filed.
8. I have heard the Petitioner/complainant present in person.
9. The complainant has urged that there was delay of one month in energizing the connection on account of which the complainant suffered mental harassment and anguish for which he be compensated. He, however, admits that no monetary loss was caused to him.
10. A perusal of the order of the electricity Ombudsman shows that the plea of the complainant was rejected on account of *force majeure* due to Covid-19

pandemic. The Ombudsman noted that Standards of Performance in the DERC (Supply Code and Performance Standards) Regulations, 2017, was suspended by the Commission on 07.04.2020.

11. The learned Ombudsman concluded that on account of extra-ordinary circumstances, no compensation is payable to the complainant.
12. In my opinion, there is no reason to differ with the view taken by the learned Electricity Ombudsman. The inconvenience caused to the complainant is not of a nature that would warrant grant of compensation. Even otherwise, the circumstances that existed at that time do not warrant exercise of power to grant compensation.
13. The Petition is dismissed.

Sd/-
(Justice (Retd.) Jayant Nath)
Chairperson