

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

F.11 (1181)/DERC/2014-15

Petition No. 02/2015

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

And

In the matter of:

Ms. Manshi,
W/o Shri Manjeet Singh,
1006, Khasra. No. 70/1/1,
Village Mangol Pur Kalan,
Delhi – 110085

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

Appearance:

1. Shri Manjeet Singh, on behalf of the Petitioner.
2. Sh. O P Singh, AGM, TPDDL
3. Ms. Nayantara Pande, Corp Legal, TPDDL

INTERIM ORDER

(Date of Hearing: 19.03.2015)

(Date of Order: 27.03.2015)

1. The instant petition has been filed by Ms. Manshi w/o Shri Manjeet Singh under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure laid down in the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. In her petition, the Petitioner has alleged the following violations:
 - a) **Regulation 52(x)** - The respondent failed to sent show cause notice to the petitioner within seven days from the date of testing of meter in the Lab i.e. on 05.09.2014.
 - b) The Speaking Order issued on 05.12.2014 does not have the detailed report of Lab.

- c) **Regulation 52(xii)** – The Enforcement department has issued the Show Cause notice without considering the facts given in the Lab report and after no abnormalities were found in Lab.
3. Notice of the petition was issued on 06.01.2015 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 10.02.2014 and has sought dismissal of the above complaint on the ground that the Commission has no jurisdiction to adjudicate the complaint relates to theft of electricity which is to be adjudicated by the Special Court neither it can entertain individual dispute like theft of electricity etc. between the licensee and the consumer.
5. The matter was listed for hearing on 16.03.2015, wherein the representatives of both the parties were present. 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 (x) of DERC Supply Code, 2007

Regulation 52 (x) provides that:-

.....the Licensee shall, within seven days of inspection, serve on the consumer a seven days show cause notice giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply to be submitted.

In this regard, it has been observed that the Show cause notice was not issued within the stipulated period of 30 days from the date of inspection i.e. on 21.08.2014. Secondly three Show cause notices were issued and two Personal hearings were held, whereas there is no provision of repeated Show cause notices and Personal hearings. Hence, it appears that the Respondent has contravened the provisions of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

b) Regulation 52 (xii) of DERC Supply Code, 2007

Regulation 52 (xii) provides that:-

....theft will not be limited to physical interference with the meter found in physical inspection. It will also include theft committed by resorting to external methods such as remote control/ high voltage injection etc. which interfere with the accurate registration of energy consumed. Theft of electricity may be established by analysis of metering data down-loaded by a third party authorized laboratory. In case theft of energy is determined by way of meter down load, the show cause notice will be sent to the consumer/user.

In this regard, it has been observed that the Enforcement department has issued the Show Cause notice without considering the facts given in the Lab report that no abnormalities were found inside the meter. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

c) Violation of Regulation 53 (ii) of DERC Supply Code, 2007

Regulation 53 (ii) provides that:-

.....During the personal hearing, the Licensee shall give due consideration to the facts submitted by the consumer and pass within three days, a speaking order as to whether the case of theft is established or not. Speaking order shall contain the brief of inspection report, submissions made by the consumers in his written reply and oral submissions during personal hearing and reasons for acceptance or rejection of the same.....

In this regard, it has been observed that the personal hearing was held on 28.10.2014. However, the speaking order was issued on 05.12.2014 i.e. after 37 days from the date of personal hearing. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

d) Violation of Regulation 38 (C) of DERC Supply Code, 2007

Regulation 38 (C) provides that:

The Licensee shall, within fifteen days of receiving the complaint, carry out testing of the meter as per the procedure prescribed herein, and shall furnish duly authenticated test results to the consumer. The consumer shall be informed of proposed date and time of testing at least two days in advance.

The Commission observed that the meter was not tested even after the complainant deposited fee of meter checking of Rs. 50/- regarding fast meter

on 25.10.2013. Hence, there appears to be Violation of Regulation 38 (C) of DERC Supply Code, 2007.

6. The Petitioner further requested the Commission to issue Orders to the Discom that electricity supply at her premises may not be disconnected. The Commission accepted the prayer of the Petitioner and directed the Discom that the supply of electricity may not be disconnected till further Orders of the Commission. However, the Petitioner will continue to pay the current dues.
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 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. Take notice that in case the Licensee above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Licensee has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
9. The next date of hearing shall be intimated to the parties in due course.
10. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson