

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

No. F. 11(1030)/DERC/2013-14/4063

Petition No. 40/2013

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

In the matter of:

North Municipal Corporation of Delhi
Through its Commissioner
Dr. S.P.M. Civic Centre
Minto Road
New Delhi-110002
Through its Authorised
Representative Sh. Jagdish Baboo
S.E. (Electrical)

VERSUS

.....Complainant

Tata Power Delhi Distribution Limited
Through its: **MD**
Hudson Lines, Kingsway Camp,
New Delhi-110 009

.....Respondent

Petition No. 41/2013

North Municipal Corporation of Delhi
Through its Commissioner
Dr. S.P.M. Civic Centre
Minto Road
New Delhi-110002
Through its Authorised
Representative Sh. Jagdish Baboo
S.E. (Electrical)

VERSUS

.....Complainant

BSES Rajdhani Power Ltd.
Through its: **CEO**
BSES Bhawan
Nehru Place
New Delhi-110019

.....Respondent

Petition No. 42/2013

North Municipal Corporation of Delhi
Through its Commissioner
Dr. S.P.M. Civic Centre
Minto Road
New Delhi-110002
Through its Authorised
Representative Sh. Jagdish Baboo
S.E. (Electrical)

.....Complainant

VERSUS

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi-110 092

.....Respondent

Coram:

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

Appearance:

1. Shri B P Agarwal, Counsel for the Petitioner
2. Shri Manish Srivastava, Advocate for Respondent
3. Ms. Nayantara, TPDDL
4. Shri P.K. Gupta, Manager, BRPL
5. Shri R.R. Panda, AVP, BRPL
6. Shri Tapan Chandra, DGM, BYPL
7. Shri Imran Siddiqi, Legal Officer, BYPL

ORDER

(Date of Hearing: 14.05.2015)

(Date of Order: 25.05.2015)

1. The instant petition has been filed by North Municipal Corporation of Delhi against TPDDL, BRPL and BYPL under Section 142, 146 and 149 of the Electricity Act, 2003 for non – compliance of Order dated 04.08.2008 passed by the Commission in Petition no. 08/2009 and 09/2008.
2. The Complainant has contended that the Respondents have not installed meters on all the street lights and were supplying the electricity to the street lights without installing the meter on many electricity poles. The Petitioner has submitted that as per Section 55 of the Electricity Act, 2003, no distribution company will supply electricity except through the correct meters. Even after the expiry of two years from the appointed date, the Respondents have not taken permission for the extension of time, which has expired in the year 2005. This fact has also been observed by the Commission in appeal No. 08/2008 and 09/2008.
3. The Petitioner has requested to take action against the Respondents for the following violations:

a) Section 55 (1) of the Electricity Act, 2003 - The Respondents have not fully installed the meter on all the street lights and were supplying the electricity to the street lights without installing the meter on many electricity poles even after expiry of two years from the appointed date. The Respondents have not taken permission for the extension of time which has expired in the year 2005.

b) Section 35(i) of DERC Supply Code, 2007 - The Respondents are required to supply the electricity through the meter except the premises which are specifically exempted by the Commission.

c) Section 41(ii) of DERC Supply Code, 2007 - The Respondents are required to raise the bill every billing cycle based on the actual meter reading but since the Respondents have failed to install the meter on number of street light poles and hence till recent bills are not being raised as per meter reading.

4. On the last hearing i.e. 04.12.2014, the counsel for the Respondents had made submissions that all the street lights have since been metered and the bills were being raised on the basis of meter readings. Whereas, the counsel for the Petitioner sought permission of the Commission to ascertain the facts before making any submissions in this regard. Accordingly, the Commission had directed the Petitioner to file a written submission about the status of metering of street lights and whether the bills were raised on the basis of meter readings.
5. The matter came up for hearing on 14.05.2015. The counsels for the Petitioner as well as the Respondents were present.
6. During the hearing, the Counsel of the Respondents reiterated that all the street lights have since been metered and they have complied with the order of the Commission and therefore, the petition may be dismissed.
7. The counsel for the Petitioner accepted the fact that as of now all the street lights have been metered and the bills are being raised on the basis of meter readings. However, the counsel for Petitioner again raised the issue that even though street lights have since been

metered, the Respondents have violated the provisions regarding metering of streetlights and disobeyed the directions of the Commission in this regard and hence should be penalized.

8. The Counsel for the Respondents controverted the statements of the counsel for the Petitioner and submitted that the delay in installation of meters is on part of NMCD because it has failed to follow the due procedure for installation of meters for street lights e.g. applying for it and depositing the requisite security money. He further submitted that even in the absence of applications for metering of street lights and deposit of requisite security money, the Discoms on their own have metered all the street lights and they are in 100% compliance of the order of the Commission. The counsel for the Petitioner argued that there was no need to apply for meters for the street lights connections as they are existing from DVB period and are not new connections.
9. After hearing the arguments of both the parties, the Commission observed that as of now the directions for metering of street lights has been complied with and since there appears to be some defaults on both sides in adhering to administrative instructions, the end of justice are met by dropping the matter without any further Orders. Accordingly, the Petition is disposed of without any further Orders.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson