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) **…….Complainant**

VERSUS

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) **…….Complainant**

VERSUS

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. Shri O P Singh, AGM, TPDDL
4. Ms. Sarika Mehta, AM, TPDDL
5. Shri Ajay Kapoor, CFO, TPDDL
6. Shri K.K. Jain, HOD, TPDDL
7. Shri Anurag Bansal, AGM Legal, TPDDL
8. Shri P.K. Gupta, Manager, BRPL
9. Shri R.R. Panda, AVP, BRPL
10. Shri Pushpdeep Jaisiya, Sr Manager, BRPL
11. Shri Tapan Chandra, DGM, BYPL
12. Shri Imran Siddiqi, Legal Officer, BYPL

INTERIM ORDER

(Date of Hearing: 04.12.2014)
(Date of Order: 18.12.2014)

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. In the petition, the Complainant has alleged 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 after the expiry of two years from the appointed date and 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 complainant 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. Notice of the petition was issued on 26.09.2013 to the Respondents TPDDL, BRPL and BYPL to file their reply.

5. In response to the above notice, the Respondents filed their reply and the matter was listed for hearing on 19.12.2013, wherein the counsel for the Petitioner sought time to file the rejoinder stating that he had just received the reply from the respondents, which was allowed by the Commission.

6. The Petitioner has since filed its Rejoinder in each of the cases.

7. The matter was listed for hearing today i.e. on 04.12.2014, wherein both the parties were present. During the hearing, the Counsel for the respondents submitted that all the street lights have since been metered and the bills are now being raised on the basis of meter readings.

8. The Counsel for the Petitioner submitted that he has to ascertain the facts before making any submissions in this regard. He also submitted that even if it is presumed that now the street lights have since been metered, the

Respondents have violated the provisions regarding metered light and disobeyed the directions of the Commission in this regard and hence the respondents be penalized.

9. The hearing was adjourned with a direction to the Petitioner to file a Written Submission about the status of metering of street lights and whether the bills are raised on the basis of meter readings.

10. The next date of hearing shall be intimated to the parties in due course.

13. Ordered accordingly.

Sd/-	*Sd/-*	*Sd/-*
(B. P. Singh)	(J. P. Singh)	(P. D. Sudhakar)
Member	Member	Chairperson