

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar,**  
**New Delhi – 110017**

No. F. 11(899)/DERC/2012-13/3834

**Petition No. 20/2013**

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

**In the matter of:**

Nirmal Singh  
H.No.310, Delhi Admn. Flats  
Nimri Colony, Ashok Vihar  
Delhi.

**...Petitioner**

**Versus**

Tata Power Delhi Distribution Ltd.  
Through its : MD  
Grid Sub-Station Building  
Hudson Lines, Kingsway Camp  
New Delhi-110009

**...Respondent**

**Coram:**

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

**Appearance:**

1. Petitioner in person.
2. Sh. Manish Srivastava, Counsel for the Respondent
3. Shri O.P. Singh, AGM, TPDDL.
4. Shri Shelendra Kumar, Sr. Manager, TPDDL.

**ORDER**

(Date of Hearing: 31.10.2013)  
(Date of Order 12.11.2013)

The instant petition has been filed by Nirmal Singh, under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure laid down in Regulations 52 and 56 of the Delhi Electricity Regulatory

Supply Code and Performance Standards Regulations, 2007 while booking the case of dishonest abstraction of energy.

2. In his complaint Sh. Nirmal Singh, a registered consumer with the Respondent vide K No.32205110401J, has alleged the following :

- I. That the complainant, in the month of July 2009 received a bill amounting to Rs.7970/- for the period of 26.03.2009 to 01.07.2009.
- II. That on 07.07.2009 the complainant deposited the requisite fee with the Respondent for inspection of meter.
- III. That on 13.07.2009 officials of the Respondent inspected the meter and submit its report mentioning that "the said meter need replacement and error ratio as mentioned in the said inspection report is +3.75".
- IV. That on 24.07.2009 the Respondent replaced the defective meter with the new one in the absence of the complainant.
- V. That in the month of August 2009, the Respondent again sent a bill of Rs.8360/- along with disconnection notice.
- VI. That on 18.01.2010 the Respondent again inspected the meter and on the basis of inspection prepared inspection report along with show-cause notice related to theft of lines and material.
- VII. That thereafter, the complainant received a fresh show cause notice dt. 03.02.2010 in respect of DAE. The same was replied by the complainant.
- VIII. That on the basis of inspection dated 18.01.2010, the respondent passed a Speaking order dt. 20.08.2010 and raised bill of Rs.26256/-.

3. In his petition, the petitioner has alleged the following violations of DERC Supply Code & Performance Standards Regulations, 2007:

- (i) Regulation 52 (viii)
- (ii) Section 56
- (iii) Section 52(iv)
- (iv) Section 53(ii)

4. The matter was initially listed for hearing (admission) on 05.09.2013 in the Commission, wherein, the Commission while admitting the above petition, vide its Interim Order dated 11.09.2013, directed the Respondent to show cause on the prima facie findings of violation of Regulations 52 (iv) & (viii), 53(ii) and 56 of Delhi Electricity Supply Code & Performance Standards Regulations, 2007.
5. The Respondent filed its reply to the above Show Cause Notice on 04.10.2013. The Respondent submitted to withdraw the notice and dismiss the complaint. The submissions made by the respondent have been analyzed in the following paragraph against each of the alleged violations.
6. The matter was listed for hearing in the Commission on 31.10.2013 which was attended by the petitioner and Counsel/representatives of the Respondent. The Commission heard both the parties at length. Commission's findings on violation of Delhi Electricity Supply Code & Performance Standards Regulations, 2007 are as under:

**a) Violation of Reg. 52 (viii) of DERC Supply Code, 2007**

*"In case of suspected theft, the Authorised Officer shall Remove the old meter under a seizure memo and seal it in the presence of the consumer/ his representative. The Licensee shall continue the supply to the consumer with a new meter. The old meter shall be tested in a NABL accredited laboratory and the laboratory shall give a test report, in writing, which alongwith photographs/ videographs shall constitute evidence thereof. The list of NABL accredited laboratories shall be notified by the Commission. The Authorised Officer shall record reasons to suspect theft in the premises in his report".*

The Respondent submitted that during the routine site inspection by the officials of the Meter Management Group of the Respondent on 13.07.2009 recommendation of meter replacement was made as there

were some anomalies (suspected tampering with the meter) which were noticed in the meter. The meter was replaced by a new meter and the old meter was retained at site to maintain status quo so that further inspection could be carried out to confirm the actual tampering with the same.

The Commission observed that the first inspection of the meter was done on 13/07/2009 and the meter was replaced on 24/7/2009. The expert team who inspected the meter on 13/07/2009 could not find any suspicion in the meter but the other team who went only to replace the meter got suspicious about functioning of meter. Moreover, the second inspection was carried out after almost six months i.e. 18/01/2010. In case of suspicion of theft of electricity, immediate action is required. The Respondent would have called the expert team then and there and would have got the meter sealed. The aforesaid act of omission on part of the Respondent comes in purview of violation of said regulation.

**b) Violation of Regulation 56 of DERC Supply Code, 2007**

*While making the assessment bill, the Licensee shall give credit to the consumer for the payments already made by the consumer for the period of the assessment bill. The bill shall clearly indicate the timing, days and place where it is to be deposited. All such payments shall be made by way of Demand Draft/Bank Pay Orders only.*

The Respondent submitted that the litigation at different forums led to a confusion and commission of an inadvertent mistake on the part of the Respondent in adjusting the amount already paid by the Complainant and hence credit could not be accounted for in the final assessment bill.

The Commission observed that the Respondent cannot take excuse for not giving credit to the consumer either due to forum/court cases or due to any other reason. The above action of the Respondent comes in the purview of violation of the said Regulation. Also the amount already paid has to be credited and accounted for in the final assessment bill.

**c) Violation of Reg. 52 (iv) of DERC Supply Code, 2007**

*The Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy) as per format given in ANNEXE-XI or as approved by the Commission from time to time.*

The Respondent submitted that the inspecting team recorded the observation found at site and all details were noted in the report. The members of the inspecting team signed the inspection report the name of the Complainant and his signature along with his mobile mentioned in the inspection report.

It has been observed by the Commission that the inspection report dt. 18.01.2010 prepared by the Respondent contains name and designation of the concerned officers of the Respondent. Hence, it appears that the Respondent has not contravened to provisions of DERC Supply Code, 2007.

**d) Violation of Reg. 53 (ii) of DERC Supply Code, 2007**

*"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 consumer in his written reply and oral submissions during personal hearing and reasons for acceptance or rejection of the same".*

The Respondent submitted that the complainant was served with a show cause notice dated 18.01.2010 wherein the Complainant called upon to represent his case on 28.01.2010, however no response was received by the Petitioner, the Respondent served upon another show cause notice with an opportunity of personal hearing on 10.02.2010. The Respondent further submitted that the complainant did not appear on 10.02.2010, however a request letter dated 10.02.2010 was received, wherein a request was made by the Complainant to grant a time till 16.02.2010. The Respondent further submitted that a written representation dated 16.02.2010 was received and after analyzing and

considering the pleas taken by the Complainant, a Speaking order dated 20.08.2010 was passed.

The Commission observed that the Respondent in its show cause notice dt. 03.02.2010 has directed to appear for personal hearing on 10.02.2010. The complainant replied the same vide its letter dt. 16.02.2010. However, the speaking order has been passed on 20.08.2010 i.e. after more than six months, which is a violation of Regulation 53 (ii) of DERC Supply Code, 2007.

7. For the reasons recorded above, the Commission finds the Respondent guilty of violation of Regulations 52 (viii), 53 (ii) and 56 of the Delhi Electricity Supply Code & Performance Standards Regulations, 2007 and imposes penalty of Rs. 30,000/- (Rs. 10,000/- for each violation) to be paid within 30 days of the order. The Commission also directs the respondent to credit the amount already paid by the complainant as per para 6(b).

8. Ordered accordingly.

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(Shyam Wadhera)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson