Delhi Electricity Regulatory Commission

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

F.11 (1130)/DERC/2014-15/4414

Petition No. 34/2014

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

In the matter of:
Nirmal Singh
S/o Shri Sohan Lal,
R/o H.No 310,
Delhi Administration Flats,
Nimri Colony, Ashok Vihar, Delhi **…….Complainant**

VERSUS

Tata Power Delhi Distribution Ltd.
Through its: **M.D**
Grid Sub – Station Building,
Hudson Lines, Kingsway Camp
Delhi – 110009 **…….Respondent**

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

Appearance:

1. Petitioner in person.
2. Shri K Dutta, Advocate for the Respondent.
3. Sh. Manish Srivastava, Advocate for Respondent;
4. Sh. O P Singh, AGM, TPDDL
5. Ms. Sarika Mehta, AM, TPDDL
6. Ms. Nayantara Pande, Corp Legal, TPDDL

ORDER

(Date of Hearing: 30.10.2014)
(Date of Order: 12.11.2014)

1. The instant petition has been filed by Shri Nirmal Singh against the Respondent Company under Section 142 of the Electricity Act, 2003 for disconnection of supply of electricity in violation of the procedure laid down in the regulation under the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007. The Petitioner has alleged that on 29.03.2014, the electric connection was disconnected before the

due date for payment and again on 28.04.2014 without any reason. The petitioner has sought refund of the amount charged from him as arrears.

2. The petitioner has also prayed this Commission for granting damages of Rs 5,00,000/- for illegal disconnection of the electricity causing harassment and mental agony.

3. Notice of the petition was issued on 28.07.2014 to Respondent to file its reply.

4. In response to the above notice, the Respondent filed its reply on 10.09.2014 and has sought dismissal of the above complaint on the ground that the disconnection of supply on 04.04.2014 was on account of the non-payment of the outstanding dues of Rs 9540/- which was hitherto parked under the "dispute liability sum" during the course of proceedings pending before the Ld. CDRF Shalimar Bagh in the complaint no. 1298/2009 which was disposed off being withdrawn by the complainant.

5. The matter was listed for hearing in the Commission today i.e. 30.10.2014 which was attended by both the parties.

6. On the basis of pleadings and oral submissions and considering the material available on the record, the Commission is of the opinion that the petition may be admitted as there appears to be **violation of Regulation 49 of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 on following two accounts.** (i) Disconnection of supply on 29.03.2014 without waiting the expiry of the due date printed on the bill and (ii) Disconnection of supply on 28.04.2014 without any reason.

7. In view of the above-mentioned findings, the Respondent is directed to show cause as to why penal action u/s 142 of the Electricity Act, 2003 for violating the above-mentioned Regulation should not be taken against it. The Respondent is directed to file its reply within two weeks from the receipt of this notice 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. The Commission further observed that the Respondent has failed to meet the guaranteed standards of performance as deliberate disconnection is akin to power supply failure. The Respondent is also directed to show cause as to why compensation be not paid to the petitioner for failure to meet the guaranteed standards of performance as per Regulation 65 of DERC Supply Code, 2007 read with section 57 of the Electricity Act, 2003.

9. 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.

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

11. Ordered accordingly.

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