

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. Sh. Manish Srivastava, Advocate for Respondent;
3. Sh. O P Singh, AGM, TPDDL

ORDER

(Date of Hearing: 28.01.2015)

(Date of Order: 10.02.2015)

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 it was again disconnected on 28.04.2014 without any reason.

2. The Commission, while admitting the above petition, vide its Interim Order dated 24.04.2014, directed the Respondent to show cause on the prima facie findings of violations of Regulation 49 of DERC Supply Code, 2007 on two accounts. The Respondent was also asked to Show Cause why a compensation under section 57 (2) of the Electricity Act, 2003 should not be paid to the Petitioner.
3. The Respondent filed its reply to the above Show Cause Notice on 28.11.2014.
4. The matter was listed for hearing today i.e. on 28.01.2015, wherein both the parties were present. During the hearing, the petitioner submitted that his connection was disconnected on two occasions, without following the due procedure. Firstly, it was disconnected on 29.03.2014 without proper notice, which was restored only on 15.04.2014. Soon thereafter the connection was again disconnected on 28.04.2014 without any reason or notice and this was restored only on the Order of the Court of ASJ (Electricity) on 02.05.2014.
5. The Respondent said that the first disconnection was done on 29.03.2014 in respect of notice dated 27.12.2013 and it is wrong to say that disconnection was done without notice. However, he could not explain that when a stay on the due amount was in operation how the connection could be disconnected. He submitted that it was done inadvertently due to a system error.
6. In respect of disconnection made on 28.04.2014, the Counsel for the Respondent submitted that it was inadvertent and as per the Order of the Court of the ASJ (Electricity), it was restored and as the Court has not granted any compensation or penalty, the case is over and now the Petitioner may not seek any compensation or penalty through the present Petition.

7. The Commission observed that the explanations given by the Respondent are neither plausible nor acceptable. When a stay Order by a Court of law was in operation on the amount in dispute, any notice to pay that amount is infructuous per se. Hence any disconnection subsequent to such infructuous notice is totally unwarranted and is a violation of Regulation 49 of the Delhi Electricity Supply Code and Performance Standards Regulation 2007. This also tantamounts to failure to maintain Guaranteed Standards of Performance as much as it is related to power supply failure.
8. On the second occasion, admittedly there was no notice and knowing the fact that the connection was disconnected inadvertently, the Discom could reconnect only when the consumer made an application before the court of ASJ and on the direction of the Court.
9. The aforesaid behavior of the Discom clearly indicates the indifferent and callous attitude displayed by the Discom towards the consumers, this leads to undue harassment of the consumers. Electricity in today's day and age is a basic necessity and deprivation without cause infringes basic rights of the consumer.
10. In view of the foregoing, the Commission finds that the Respondent has violated Regulation 49 of the Delhi Electricity Supply Code and Performance Standards Regulation 2007 on two occasions and therefore imposes a penalty of Rs. 30,000/- (15,000/- for each Occasion). On the issue of compensation under Section 57 of the Electricity Act, 2003, it is clear that the Respondent has failed to maintain Guaranteed Standards of Performance in respect of the proper electric supply and the consumer was without electricity for 23 days and therefore a compensation of Rs. 1,150/- (@ Rs. 50 per day of default) as per Article 6 of Schedule III of Delhi Electricity Supply Code and Performance Standards Regulation 2007 is granted to the consumer.
11. To summarize, the Commission has imposed a penalty of Rs 30,000/- under Section 142 of the Electricity Act, 2003 and compensation of Rs. 1,150/- under Section 57 of the Electricity Act, 2003 has also been granted to the

Consumer. All these amounts have to be paid within 15 days from the date of the Order.

12. Accordingly, the matter is disposed off with a cost of Rs. 5000/-, which shall also be paid within 15 days.

Sd/-
(B. P. Singh)
Member

Sd/
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson