

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

F.11 (1102)/DERC/2014-15 /4321

**Petition No. 17/2014**

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

**And**

**In the matter of:**

R.P. Sharma,  
R/o H.No.341A,  
Village Shalimar City,  
New Delhi – 110088

.....**Petitioner**

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. Ms. Kavita Chhibber, Counsel for the Petitioner
2. Sh. O P Singh, AGM, TPDDL
3. Ms. Sarika Mehta, AM, TPDDL
4. Shri Arnav Sanyal, Counsel for the Respondent

**INTERIM ORDER**

(Date of Hearing: 21.08.2014)

(Date of Order: 27.08.2014)

1. The instant petition has been filed by Shri R.P. Sharma, under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure laid down in Regulation 52 and 53 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 while booking the case of theft.
2. In his petition, the Petitioner has alleged the following violations:
  - i. Regulation 52(vi) – Consumption pattern is not assessed while booking a theft case.
  - ii. Regulation 52(x) - Show cause notice was issued on 30.12.2013 after more than 7 days of inspection dated 19.12.2013

- iii. Regulation 53(ii) - Speaking order was not issued within 3 days from the date of personal hearing.
3. Notice of the petition was issued on 15.05.2014 to Respondent to file its reply.
4. In response to the above notice, the Respondent filed its reply on 26.06.2014 and has sought dismissal of the above complaint on the ground that the Commission has no jurisdiction to entertain the present complaint for the reason that it cannot sit in an appeal against a speaking order; neither it can entertain individual dispute like theft of electricity etc. between the licensee and the consumer.
5. The matter was listed for hearing today i.e. on 21.08.2014 whereby Counsel/representatives of both the parties were present.
6. During the hearing the Petitioner while making submissions also alleged violation of Regulation 52(viii) that-
  - (i) The old meter was not seized and no Seizure memo was prepared when the inspection was conducted.
  - (ii) The meter was not sent to an NABL accredited lab for testing.
7. On the basis of pleadings and submissions submitted by both the parties, the Commission is of the opinion that the petition may be admitted as the Respondent prima-facie appears to be responsible for the following violations:-

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

Regulation 52 (vi) provides that:-

*.....No case for theft shall be booked only on account of seals on the meter missing or tampered or breakage of glass window, unless corroborated by consumption pattern of consumer and such other evidence as may be available.*

The Commission observed that the Respondent failed to assess the Consumption pattern of consumer while booking a theft case. Hence, it appears that the Respondent has contravened the provisions of Regulation 52 (vi) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

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

Regulation 52 (viii) provides that:-

*..... 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 along with photographs/ videographs shall constitute evidence thereof.*

The Commission observed that the Respondent failed to produce evidence that the meter was seized under a Seizure memo when the inspection was conducted, and getting the meter tested in an NABL accredited lab. Further, along with the show cause notice, no copy of photographs/videography was supplied. Hence, it appears that the Respondent has contravened the provisions of Regulation 52 (viii) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

**c) Violation of Regulation 52 (ix) of DERC Supply Code, 2007**

Regulation 52 (ix) provides that:-

*..... a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post.*

The Commission observed that the respondent failed to provide evidence in respect of furnishing of inspection report to the consumer. It is inferred that the inspection report was neither pasted in/outside the premises nor it was sent through a registered post to the complainant. Hence, it appears that the Respondent has contravened the provisions of Regulation 52 (ix) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

**d) Violations of Regulation 52 (x) of DERC Supply Code, 2007**

Regulation 52 (x) provides that:-

*...., the Licensee shall, within seven days of inspection, serve on the consumer a seven days show cause notice giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply to be submitted. ....*

In the instant case prima facie it appears that the Respondent has violated the above provision by way of not serving a show cause

notice within seven days of inspection and the Show cause notice was issued on 30.12.2013 i.e. after 11 days of inspection dated 19.12.2013.

**e) Violation of Regulation 53 (ii) of DERC Supply Code, 2007**

Regulation 53 (ii) provides that:-

*.....the Licensee shall pass, within three days, a speaking order as to whether the case of theft is established or not.*

In this regard, it has been observed the Respondent in its show cause notice dated 30.12.2013 has directed the complainant to appear for personal hearing on 13.01.2014. However, the speaking order was passed on 05.02.2014 i.e. after 22 days from the date of scheduled personal hearing. Hence, it appears that the Respondent has contravened the provisions of Regulation 53(ii) Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

8. In view of the above-mentioned findings, the Respondent above-named is hereby directed to show cause as to why action u/s 142 of the Electricity Act, 2003 should not be taken against it for prima-facie violation of above Regulations. The Respondent is directed to file its reply within four weeks from the receipt of this notice and to serve a copy of the same to the complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
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/-  
(B. P. Singh)  
Member

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson