



Delhi Electricity Regulatory Commission

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

F.11 (2223)/DERC/2022-23

Petition No. 31/2024

Under Section 142 of the Electricity Act, 2003

In the matter of:

Ramesh Kumar Rohilla

..... Petitioner

Versus

Tata Power Delhi Distribution Ltd.

Through its: CEO

.....Respondent

CORAM:

Hon'ble Shri Justice (Retd.) Jayant Nath, Chairperson

Appearance:

1. Petitioner in person;

2. Mr. Manish Kumar Srivastava, Advocate for the Respondent

ORDER

(Date of Hearing: 31.05.2024)

(Date of Order: 06.06.2024)

1. The instant Petition has been filed by Shri Ramesh Kumar Rohilla, under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd., for violation of the procedure as laid down in the Regulations of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 (hereinafter in short referred to as DERC Supply Code, 2017) for disconnection of electricity supply without serving any notice of disconnection to the Petitioner.
2. In his Petition, the Petitioner is seeking the following reliefs:

"a) Impose the heavy cost against the Respondent for the above said five violations explained in Para 9 (i) to (v) as the violations are of grave nature and Respondent has deliberately violated the procedure laid down in regulations & acts in an organized manner.

b) Impose further the deterrent cost against the respondent for the contravention as stated above in the Para 9 (vi) and further impose additional penalty of six thousand per day against the respondent since 25.04.2024 till electricity is restored to the premises of the petitioner because the contravention by the respondent is still continuing.

c) Grant compensation to the petitioner and direct the Respondent to pay the amount of Rs. one lakh per day since 25.04.2024 till electricity is restored by the respondent. An irreparable loss to the petitioner is occurring due to non-availability of the electricity being essential service and the claim of loss over one lakh of rupees is given to the respondent by the petitioner vide letters dated 26.04.2024 & 30.04.2024, copy already attached as per annexure-P1 & P3. The petitioner is praying for the claim as compensation under section 57(2) of the electricity act, 2003 because as per the regulation 74 (determination of compensation) of the DERC supply code 2017, the compensation due to disconnection of electricity is not covered in schedule-1 of the DERC Supply Code 2017.

d) Take appropriate action against the Respondent as per section 19 (Revocation of the licence) of the electricity act 2003, since the respondent being licensee has disconnected the electricity connection with willful intention. The respondent is adopting tactics in an organized manner to extract money unlawfully and by undue means. The respondent is taking advantage of the position of the sole licensee of this area and knowingly disconnected the electricity which is essential service to the petitioner. To provide electricity to users is the duty & main object and essence of the licence but the licensee is taking undue advantage of the same."

3. It has been urged by the Petitioner that the Respondent has not sent any notice for disconnection of electricity to the Petitioner as required under Section 56(1) of the Electricity Act, 2003 and has also not followed the procedure laid down in Regulation 51 (Procedure for disconnection) of the DERC (Supply Code & Performance Standards) Regulations, 2017. It is submitted by the Petitioner that he has paid all the bills made by the Respondent and that the Respondent is habitual in adopting the practice of electricity disconnection to harass the Petitioner. Petitioner also claims to have sent letters dated 26.04.2024 and 30.04.2024 to the Respondent.
4. The Petitioner further raises a grievance that the Respondent has suddenly shown the arrears in the bills dated 07.05.2018 without attaching any details of the arrears.
5. The Respondent in its reply against the notice issued by the Commission refuted the allegations made by the Petitioner.
6. During the last hearing held on 21.05.2024, both parties argued at length. The Commission had directed the Respondent to file the Statement of Account. The Respondent has filed its Statement of Account. As per Statement of Account, it is pointed out that a total amount of Rs. 69,115.48/- is pending along with LPSC. The Respondent has also filed orders of the State Commission dated 14.09.2011, National Consumer Disputes Redressal Commission ('NCDRC') dated 12.01.2018.
7. A perusal of the order dated 12.01.2018 passed by the NCDRC, shows that the Petitioner had filed a complaint before the National Consumer Disputes Redressal Commission, for excess charges on the bills. A perusal of the order shows that NCDRC held as follows:

"7. I have given a thoughtful consideration to the arguments advanced by the learned counsel for both the parties and have examined the material on record. The main complaint case filed by the petitioner/complainant was first dismissed by the District Forum on the ground that the complainant was not a consumer under the definition of consumer given in the Consumer Protection Act, 1986. However, the State Commission has already allowed the appeal filed by the complainant and it has been held that the complainant was a consumer. The State Commission has already remanded the matter to the District Forum for deciding the complaint as per law on merits.

8. So far as the application dated 08.08.2012 is concerned, the State Commission has rightly accepted the view of the respondent that the disconnection was as a result of non-payment of the current dues by the petitioner/complainant and moreover the connection was restored after payment of the current dues by the petitioner. In these circumstances, the State Commission has found application dated 08.08.2012 as infructuous. When the main appeal has been decided by the State Commission, any interim order passed during the admission of the appeal automatically merges with the final order passed in the appeal.

9. As disconnection was a consequence of non-payment of current dues by the petitioner, I do not find any illegality in disconnection and as finally the connection has been restored on the payment of the current dues by the petitioner. I am in agreement with the decision of the State Commission that the application dated 08.08.2012 had become infructuous. The order for maintaining status quo does not entitle the petitioner for not paying the current dues of electricity."

8. In view of above, there is no reason for DERC to pass any order. The Petitioner is free to avail the remedy as available under law.

9. Ordered accordingly.

**Sd/-
(Justice (Retd.) Jayant Nath)
Chairperson**