

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017**

**F.11 (1311)/DERC/2015-16/5057**

**Petition No. 81/2015**

Under section 142 of Electricity Act, 2003

**In the matter of:**

Rakesh Kumar Pathak,  
7 Jantar Mantar Road,  
Second Floor,  
New Delhi – 110001

.....**Complainant**

VERSUS

New Delhi Municipal council  
Through its Director (Commercial)  
Palika Kendra, Sansad Marg,  
Room 204, 2<sup>nd</sup> Floor,  
New Delhi -110 001

.....**Respondent**

**Coram:**

**Sh. B. P. Singh, Member**

**Appearance:**

1. Petitioner in person;
2. Shri Ajay Kumar Tyagi, AEE(Meter), N-DMC;
3. Shri RK Goel, N-DMC.

**INTERIM ORDER**

(Date of Hearing: 22.11.2016)

(Date of Order: 29.11.2016)

1. The instant petition has been filed by Sh. Rakesh Kumar Pathak under Section 142 of the Electricity Act, 2003 against North Delhi Municipal Corporation (NDMC) for violation of the procedure laid down in the Delhi Electricity Supply Code and Performance Standards Regulations, 2007 in respect of transfer of connection in the name of the consumer from the name of his deceased father.

2. Notice of the above petition was issued to the respondent on 06.11.2015 to file its reply, which has since been received on 03.11.2016.
3. During the hearing, the Petitioner submitted that he has applied for transfer of connection in his name from the name of his deceased father on 12.02.2013 along with the requisite documents. However, it has not been transferred till date.
4. The representative on behalf of the Respondent submitted that the complainant was asked to obtain NOC from the office of Deputy Secretary cum Assistant settlement Commissioner, Evacuated property Cell, Land and Building Department, Govt. of NCT of Delhi and to submit the same to the Respondent so that his transfer case could be initiated. However, the complainant failed to do so.
5. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission decided that the petition may be admitted as there exists a prima-facie case of violations of following Regulations:-

**Violation of Regulation 20 (2) of DERC Supply Code, 2007**

Regulation 20 (2) provides that:-

*.....The applicant shall apply for change of consumer's name in the format prescribed at **ANNEXE-IV** to these Regulations or as approved by the Commission from time to time, with a copy of latest bill duly paid. The application shall be accepted on showing mutation letter issued by the land agencies or any other proof of legal heir ship. The change of consumer's name shall be effected within two billing cycles after acceptance of application. The Licensee shall issue dated receipt of the request of the applicant. Any deficiencies in the application shall be intimated in writing within seven days of receipt of application. The application shall be accepted only on removal of such difficulties.....*

In this regard, it has been observed that on 12.02.2013 the petitioner had applied for transfer of connection in his name from the name of his deceased father. The Respondent informed him about the alleged deficiency in the application on 30.10.2013 i.e. after more than 8 months, whereas, it shall be informed within 7 days. Therefore, there is a delay of more than seven days in intimating the Petitioner about the deficiency from the date of receipt of application.

Secondly, the Petitioner was asked to obtain NOC from the office of Deputy Secretary cum Assistant Settlement Commissioner, Evacuee Property Cell, Land and Building Department, Govt. of NCT of Delhi and to submit the same to the Respondent so that his transfer case could be initiated, whereas per the Regulation, the application shall be accepted on showing mutation letter issued by the land agencies or any other proof of legal heir ship.

Hence, there appears to be violation of Regulation 20 (2) of Delhi Electricity Supply Code and Performance Standards Regulations, 2007 on two counts.

6. In view of the aforesaid, the Respondent 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 date of 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.
7. Take notice that in case the Respondent above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be

presumed that the Respondent has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.

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

9. Ordered accordingly.

Sd/-  
(B. P. Singh)  
Member