

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017

Ref. F.11(654)/DERC/2010-11/C.F.No. 2757/1896

Petition No. 03/2011

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

AND

In the matter of :

Sh. Sham Lal Goel
S/o Late Sh. Roop Chand
290, Deepali, Pitampura,
Delhi-110 034

...Complainant

Correspondence Address:

Sh. Sham Lal Goel
A-140, Saraswati Vihar,
Delhi-110 034

VERSUS

M/s Tata Power Delhi Distribution Limited
Through its: **Managing Director**
Grid Sub-Stn. Building,
Hudson Lines, Kingsway Camp,
Delhi-110 009

...Respondent

Coram:

**Sh. P.D. Sudhakar, Chairperson, Sh. Shyam Wadhera, Member &
Sh. J.P. Singh, Member.**

Appearance:

1. Sh. K.L. Bhayana, Advisor, TPDDL;
2. Sh. Ajay Kalsi, Company Secretary, TPDDL;
3. Sh. O.P. Singh, Sr. Manager, TPDDL;
4. Sh. Shalendra Singh, Manager, TPDDL.

ORDER

(Date of Hearing: 03.07.2012)

(Date of Order: 13 .07.2012)

1. The present complaint has been filed by Sh. Sham Lal Goel, owner of the property bearing No. 290, Deepali, Pitampura, Delhi-110 034, under Section 142 of EA, 2003 for imposing penalty against the Respondent under Section 142 of the Electricity Act, 2003 for violation of the Regulations.

2. The complainant in his Petition submitted that he surrendered his three connections bearing K. Nos. 34400168886, 34400168887 & 34400122043 because he was interested to construct new house and wanted to demolish the old one. On his request the Respondent disconnected the electricity supply of the above connections on 10.11.2010. The complainant alleged that he filed an application for installation of new Temp. Connection of 1 KW for construction purposes, in the second week of 2010. Subsequent to the above, the officials of Respondent inspected the premises; however, the above connection could not be released by the Respondent till filing of the above complaint. The complainant has challenged the above action of the Respondent on the ground that the same is violative of Regulation 19 of Supply Code, according to which Respondent was under obligation to sanction and raise a demand note within two days of the acceptance of the application. The complainant has also sought imposition of penalty of Rs. 1 lakh on the Respondent in addition to issue of directions to the Respondent for energising his connection.
3. However, in its letter dated 02.03.2012, the Respondent has informed that the above connection has been energised on 19.01.2011 and therefore, no cause of action survived.
4. The Commission admitted the above complaint vide Order dated 24.04.2012 whereby, the Commission directed the Respondent to Show Cause as to why action under Section 142 of the Electricity Act, 2003 should not be taken against him for prima facie violation of the above said Regulation 19(iii) of Supply Code.
5. The Respondent in its parawise reply in response to Show-Cause Notice submitted that Regulation 19(iii) of the Delhi Electricity Supply Code & Performance Standards Regulations, 2007 provides that there shall not be any refusal of connection below sanctioned load of 10 kW which the Respondent has never refused.
6. The Respondent further submitted that when the Complainant applied for grant of a temporary connection with 1 kW load for construction purpose, the distribution transformer was overloaded due to unprecedented load

growth and any additional load could have led to electrical fire and associated safety hazards.

7. The Respondent submitted that a demand note on request of the Complainant was raised on 13.01.2011 and the temporary connection was granted to the Complainant on 18.01.2011. Therefore, the Respondent has complied with the 19(iii) of the Delhi Electricity Supply Code & Performance Standards Regulations, 2007 as the connection was granted to the Complainant within 30 working days as contemplated under Section 43 of the Electricity Act, 2003.
8. The Respondent in its reply further requested the Commission to withdraw the above-mentioned show-cause notice and dismiss the above complaint as the grievance of the Complainant has already been attended to and resolved.
9. The matter was listed for hearing in the Commission on 03.07.2012, which was attended by the above mentioned representative on behalf of the Respondent whereas no one appeared on behalf of the Complainant.
10. The counsel of the Respondent, Sh. Kishnu Datta, submitted that as the grievance of the complainant has already been resolved and complainant has already been granted a temporary connection and there is no cause of action subsisting which may require adjudication by the Commission and moreover the complainant has also not attended the hearing, hence the instant complaint may kindly be dismissed.
11. After hearing the above and taking into account the facts placed before the Commission, the Commission decided to dispose off the above complaint considered as settled because the grievance of the consumer has already been redressed by the Licensee.
12. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON