

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. 2757/425

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 : **MD**
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.

INTERIM ORDER

Date of Hearing: 27.03.2012
(Date of Order: 24.04.2012)

1. The instant 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 taking penal action against the Respondent

under Section 142 of the Electricity Act, 2003 for violation of the Regulations.

2. The petitioner in his Petition submitted that he surrendered his three connections bearing K. Nos. 34400168886, 34400168887 & 34400122043 because he was interested to construct a 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 petitioner alleged that he filed an application for installation of a 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 petitioner 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 the Respondent was under an obligation to sanction and raise a demand note within two days of the acceptance of the application. The petitioner has also sought imposition of penalty of Rs. 1 lakh on the Respondent in addition to issue of a direction 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 survives.
4. The above matter was listed for hearing on 27.03.2012 in the Commission, which was attended by the above representative of the Respondent and no one appeared on behalf of the complainant.

5. The Commission heard the representative of the Respondent at length.
6. Petition is admitted.
7. Considering the material available on the record and in the light of principles laid down by the Hon'ble Appellate Tribunal for Electricity in the case of **Gargi Mukherjee versus BSES Rajdhani Power Ltd.** the Commission is of the opinion that the Respondent is prima facie responsible for the violation of Regulation 19(iii) of the Delhi Electricity Supply Code & Performance Standards Regulations, 2007, for the reasons mentioned below:

Regulation 19(iii) provides that:

"19(iii) The Licensee shall examine the technical feasibility of the connection requested for and if found feasible shall sanction the load and raise a demand note in accordance with the provisions of the Regulations within two days of acceptance of application. If the connection is not found technically feasible, it shall intimate to the applicant in writing within three days of acceptance of application giving reason for the same. No connection upto 10 kW shall be rejected on technical grounds."

On the basis of the material available on record prima facie it appears that the Respondent has failed to sanction the load and raise a demand note in accordance with the provisions of the Regulations within 2 days of acceptance of application.

8. In view of the above, the Commission hereby directs the Respondent to Show Cause as to why penal 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.
9. The Respondent is directed to file its reply within two weeks from the date of receipt of this order with a copy to be served to the complainant. The

complainant is also given liberty to file his rejoinder in next seven days from the receipt of the reply of the Respondent.

10. The matter shall now be listed for hearing on 03.07.2012.

11. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON