

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

F.11 (1182)/DERC/2014-15

Petition No. 03/2015

In the matter of: Petition filed under section 142 of Electricity Act, 2003

And

In the matter of:

Sunanda Khatri,
W/o Shri Sunil Khatri,
36-B, Plot No. 4, Kh. No. 32/12,
1st Floor, Shahbas Extn.,
Uggar Sain Indl. Estate,
Opposite. Delhi Engineering College,
New Delhi – 110042

.....**Complainant**

VERSUS

Tata Power Delhi Distribution Ltd.
Through its: **M.D**
Grid Sub – Station Building,
Hudson Lines, Kingsway Camp
New Delhi – 110009

.....**Respondent**

Coram:

Sh. P. D. Sudhakar, Chairperson, Sh. J.P. Singh, Member & Sh. B. P. Singh, Member

Appearance:

1. Petitioner in person;
2. Shri Manish Srivastava, Advocate for Respondent.
3. Sh. O P Singh, AGM, TPDDL
4. Ms. Nayantara Pande, Corp Legal, TPDDL
5. Sh. Anurag Bansal

ORDER

(Date of Hearing: 30.07.2015)

(Date of Order: 24.08.2015)

1. The instant petition has been filed by Ms. Sunanda Khatri under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure laid down of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Notice was issued on 06.01.2015 for Respondent to file his reply.

3. In response, reply was filed on 05.02.2015, wherein they have denied the allegations made in the petition and have requested to dismiss the petition and has sought dismissal of the above complaint on the following grounds:

- a) Lack of jurisdiction: The Commission has no jurisdiction to entertain the present petition. The Commission has no jurisdiction to adjudicate the complaint relates to theft of electricity which is to be adjudicated by the Special Court. The Commission has no jurisdiction to entertain individual dispute between the Licensee and the Consumer.
- b) Inspection was conducted in the presence of the complainant and they were given opportunity to explain as to why an excess connected load was of 48.30 KW when the sanctioned load was 9 KW.
- c) CA No. 60003649187 and K. No. 46304284023 though Sanctioned for domestic purpose, were found used for commercial purposes.
- d) Complainant in its reply dated 18.09.2014 has admitted that it has rented out 2nd, 3rd and 4th Floor of their premises to student tenants. The Complainant is holding their premises as "hostel" and has also been advertising same on various websites.
- e) Regulation 5. Non – Domestic Low Tension (NDLT-I) – all hostels that are not run by Government agency or aided institutions or MCD, fall under the Non – Domestic Low Tension (NDLT-I) category.
- f) The Respondent has complied with the provisions of Section 126 of the Electricity Act, 2003 – the petitioner was found indulging in UAE as per the devices and load connected at the petitioner premises, in terms of which provisional order of assessment was communicated to the complainant and opportunity to file reply and attend hearing provided vide notice of 26.08.2014.

4. The petitioner's submissions are :-

- i. That the students have been residing in the said premises of the complainant on 1st, 2nd and 3rd floor and have been using the same for residential purposes only. Students being accommodated in the said premises on rent may not be treated as commercial activity. The connection in question is domestic and the same is meant for residential use. Therefore, the case of unauthorized use of Electricity (UUE) may not be applicable in her case and the assessment made for unauthorized use of Electricity (UUE) is wrong and may be set aside.
- ii. The respondent on 07.01.2015, disconnected the supply of the complainant in the premises, even without giving any information regarding fresh order by new Assessing officer.
- iii. that Applications were made to pay for installation of two new connections. However, the Respondent has violated provision of Section 43(3) of the Electricity Act, 2003 and one of the connections has not been installed till date.

5. The Counsel for the Respondent submitted:-

- i. that the Complainant in its reply dated 18.09.2014 has admitted that it has rented out 2nd, 3rd and 4th Floor of their premises to student tenants. The Complainant is holding their premises as "hostel" and has also been advertising same on various websites. The copy of the advertisement was also submitted at the time of hearing. The Counsel for the Respondent further submitted that the Connections was Sanctioned for domestic purpose, but were found to be used for commercial purposes;
- ii. that the prayer of the Petitioner is to set aside the final assessment for which DERC is not the forum;
- iii. that out of two, one connection was installed, however, the second was not installed as the petitioner failed to comply with the formalities such as providing NOC for fire safety of the building.

6. After hearing arguments from both the sides, the Commission observed that the complainant has prayed before the Commission to set aside the final assessment on the allegation that the assessment for unauthorized use of electricity (UUE) was made wrongly. The Commission is of the view that the Petitioner has the remedy under Section 127 of the Electricity Act, 2003 to file an appeal before the Appellate Authority i.e. Additional District Magistrate against the assessment made under Section 126 of the Electricity Act, 2003. On the issue of installation of new connection, the Commission directs the Respondent that as and when the formalities are completed by the Petitioner, the new connection be installed at the premise of the Petitioner, without any further delay. There is nothing more for the Commission to interfere in the instant case.

7. In view of the above, the petition is not admitted. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson