

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017**

F.11 (1218)/DERC/2015-16

**Petition No. 27/2015**

Under section 142 of Electricity Act, 2003

**In the matter of:**

Shri Jai Bhagwan Aggarwal  
H. No. 16, 2<sup>nd</sup> Floor, Block A,  
Near Deepali Chowk Saraswati,  
Pitampura, New Delhi - 110034

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

**Appearance:**

1. Shri B.P. Agarwal, Counsel for the Petitioner;
2. Shri Sunil Kr Gupta, on behalf of the Petitioner;
3. Shri Arav Kapoor, Advocate for Respondent.
4. Shri Neeraj Singh, AM, TPDDL;
5. Shri Divyanshu, Sr. Executive, TPDDL.

**INTERIM ORDER**

(Date of Hearing: 11.05.2017)

(Date of Order: 15.05.2017)

1. The instant petition has been filed by Shri Jai Bhagwan Aggarwal under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure as laid down in Regulations of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

2. The matter was heard on 11.05.2017, wherein both the parties were present. The Commission heard both the parties at length.
3. 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:-

**a) Violation of Regulation 49 (i) of DERC Supply Code, 2007**

Regulation 49 (i) provides that:-

*The Licensee may issue a disconnection notice in writing, as per section 56 of the Act, to the consumer who defaults on his payment of dues giving him fifteen clear days to pay the dues. Thereafter, the Licensee may disconnect the consumer's installation on expiry of the said notice period by removing the Service Line / Meter or as the Licensee may deem fit. If the Consumer does not make the payment within six months of the date of disconnection, such connections shall be treated as Dormant Connection.*

The above Regulation provides that a clear 15 days notice is mandatory in case of default in payment of due amount by the consumer. However, in the instant case disconnection of the supply was made without any notice or intimation.

Though the Respondent has clarified that the disconnection notice dated 06.01.2015 was issued to the Petitioner. However, there is no proof on record to establish that the notice was served on the Petitioner. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

**b) Violation of Regulation 51 of DERC Supply Code, 2007**

Regulation 51 provides that:-

*The Licensee shall reconnect the consumer's installation within two days of payment of past dues, reconnection charges and Service Line Charges, as applicable, for that Category of Consumer if the same has been removed by the Licensee at the time of disconnection. Dormant connections, however, would be reconnected only after all the formalities as required in the case of a new connection are complied with by the consumer.*

As per the above Regulation the Respondent is required to restore the supply within two days after making the payment of the dues by the consumer. However, in the instant case the Petitioner made the payment of Rs. 24,810/- as outstanding dues against the connection on 09.03.2015 but the connection of the Petitioner was restored on 21.03.2015 i.e. after expiry of two days.

The Respondent has clarified that the complainant has made the payment of the outstanding dues on the premises on 09.03.2015, but did not apply for reconnection at the premises, nor paid the reconnection charges or service line charges in terms of Regulation 51 of DERC Supply Code, 2007. Reconnection charges and service line charges were paid by the complainant on 19.03.2015, through invoice and the supply was restored on 21.03.2015, within two working days.

Available records reveal that as per the disconnection notice the Petitioner was informed that he has to pay reconnection charges also. However, the said notice did not mention about the amount to be paid towards reconnection charges etc. Moreover, there is no proof on record to establish that the notice was served on the consumer. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

4. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations should not be taken against it. The Respondent is directed to file its reply within four weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
5. Take notice that in case the Licensee above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Licensee has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
6. The next date of hearing shall be intimated to the parties in due course.
7. Ordered accordingly.

Sd/-  
(B. P. Singh)  
Member