

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11 (1423)/DERC/2016-17

Petition No.45/2016

Under section 142 of the Electricity Act, 2003

In the matter of:

Shri Vinod Kumar Gupta,
S/o Shri Thandi Ram,
Plot No. 61, DSIDC, Narela,
Delhi – 110040

.....**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. Subhash Chander, A.R. for the Petitioner;
2. Shri Manish Srivastava, Advocate for Respondent;
3. Shri Shagun Trisal, Advocate for Respondent
4. Shri O P Singh, DGM, TPDDL;
5. Shri Neeraj Singh, AM, TPDDL.
6. Shri Pratyush, Legal Ex, TPDDL.

INTERIM ORDER

(Date of Hearing: 12.10.2017)

(Date of Order: 10.11.2017)

1. The instant petition has been filed by Shri Vinod Kumar Gupta under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure regarding booking of theft case as laid down in Regulations of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007.
2. The Petitioner during the hearing submitted the following:
 - i. that the meter no. 2082336 installed at his premises was faulty and after repeated requests it was replaced by another faulty meter no. 93404701 on 18.09.2014. The new meter was running very fast and even when no current was drawn from it, it was recording consumption. This was intimated to the respondent. Even in the meter test report, it is written that abnormal output pulse blinking found observed, which was already complained by the Petitioner. This is why abnormal consumption of 127161

- units was shown only in two months which from any angle cannot be justified against the sanctioned or connected load;
- ii. this new meter no. 93404701 was replaced with another meter on 20.11.2014, on the very next day the premises of the Petitioner was inspected and the supply was disconnected;
 - iii. that the Respondent has failed to explain these abnormalities in its reply. In Inspection Report, the Respondent itself has shown there is no physical abnormality and meter data could not be downloaded;
 - iv. that the Petitioner is being harassed for the fault of Respondent for supplying electricity through faulty meters.
3. The counsel for the Respondent sought time to respond to the allegations made by the Petitioner. The Respondent is allowed to file a written submission within four weeks with a copy to the Petitioner.
4. From the submission made by the parties during the hearing, it was further observed that apart from the violations as mentioned in the Interim Order dated 14.03.2017, prima facie violations of following Regulations are also noticed:-

a) Violation of Regulation 38 of DERC Supply Code, 2007.

Regulation 38 provides that:-

b. Should the consumer dispute the accuracy of the meter, he may, upon giving notice/complaint to that effect and after paying the prescribed testing fee, have the meter tested by the Licensee.

c. The Licensee shall, within fifteen days of receiving the complaint, carry out testing of the meter as per the procedure prescribed herein, and shall furnish duly authenticated test results to the consumer. The consumer shall be informed of proposed date and time of testing at least two days in advance.

*d. The meter testing team of the Licensee shall ensure testing with resistive load of sufficient capacity to carry out the testing. The testing of meter shall be done for a minimum consumption of 1 kWh. Optical Scanner shall be used for counting the pulses/revolutions. The meter testing report shall be in the format given in **ANNEXE-VII** or as approved by the Commission from time to time.*

e. When the meter is found to be fast beyond the limits of accuracy specified by the Regulations framed by the Authority in this regard, the Licensee/consumer, as the case may be, shall replace/rectify the defective meter within fifteen days of testing. The Licensee shall adjust/refund the excess amount collected on account of the said defect, based on percentage error, for a maximum period of six months or less depending on period of installation of meter prior to the date of consumer's complaint and up to the date on which defective meter is replaced/rectified.

h. The Licensee shall keep record of all such meter tests and submit to the Commission, exception report every six months.

The Commission observed that the provisions of Regulation 38 of DERC Supply Code, 2007 had not been observed rather an enforcement case was

against a faulty meter. Hence, the Respondent has apparently contravened the abovementioned provisions of DERC Supply Code, 2007.

b) Violation of Regulation 52 (viii) of DERC Supply Code, 2007

Regulation 52 (viii) provides that:-

In case of suspected theft, the Authorised Officer shall Remove the old meter under a seizure memo and seal it in the presence of the consumer/ his representative. The Licensee shall continue the supply to the consumer with a new meter. The old meter shall be tested in a NABL accredited laboratory and the laboratory shall give a test report, in writing, which along with photographs/ videographs shall constitute evidence thereof.

In accordance with the Regulation, it is mandatory for the Respondent to remove the old meter under a Seizure memo. However, it is evident that the meter was not seized at the time of its removal on 20.11.2014 as no copy of the seizure memo to that effect was furnished to the complainant. Hence, the Respondent has apparently contravened the abovementioned provisions of DERC Supply Code, 2007.

c) Violation of Regulation 52 (x) of DERC Supply Code, 2007

Regulation 52 (x) provides that:-

.....the Licensee shall, within seven days of inspection, serve on the consumer a seven days show cause notice giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply to be submitted.

Available records reveal that the meter was removed on 20.11.2014 and was tested in the Lab on 09.12.2014. The Show cause notice was issued on 23.12.2014 and served on the consumer's representative on 29.12.2014 via special messenger from TPDDL i.e. after 20 days even from the date of meter testing. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

d) Violation of Regulation 54 of DERC Supply Code, 2007.

Regulation 54 provides that:-

In case of default in payment of the assessed amount, the Licensee will, after giving a fifteen days notice, in writing, file a case against the consumer in the designated Special Court as per the provisions of section 135 of the Act. Disconnection of supply, however, can only be done after getting an order from the Special Court.

The Commission observed that the supply of the premise was disconnected without observing the provisions of Regulation such as without getting an order from the Special Court for disconnection. Hence, there appears to be violation of Regulation 54 of DERC Supply Code, 2007.

5. In view of the above, the Respondent is directed to respond on the aforesaid violation also in the Written Submissions allowed to be filed as per Para 3 ante with service of a copy to the Complainant. The Complainant may file rejoinder, within a week thereafter.
6. The next date of hearing shall be intimated to the parties in due course.
7. Ordered accordingly.

-Sd-
(B. P. Singh)
Member