

**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 Arav Kapoor, Advocate for the Petitioner;
3. Shri O P Singh, AGM, TPDDL;
4. Shri Divyanshu, Corp Legal, TPDDL

**INTERIM ORDER**

(Date of Hearing: 02.03.2017)

(Date of Order: 14.03.2017)

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. A notice of the petition was issued on 21.10.2016 to Respondent to file its reply. In response to the above notice, the Respondent filed its reply on 09.12.2016.

3. The matter was listed for hearing on 02.03.2017, wherein the Counsel/representatives of both the parties were present. The Commission heard both the parties at length.
4. 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 39 (b) of DERC Supply Code, 2007**

Regulation 39 (b) provides that:-

*Where the Licensee observes that meter is not recording any consumption for the last two consecutive billing cycles, he shall notify the consumer. Thereafter, the Licensee shall check the meter and if the meter is found stuck/stopped, the meter shall be replaced within seven days.*

In this regard, it has been observed that the on 07.07.2014, the Respondent was unable to download the monthly reading since the meter was found stuck/stopped, however, the Respondent failed to change the faulty meter within seven days. Hence, it appears that the Respondent has contravened the provisions of Regulation 39 (b) of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

**b) Violation of Provision to Regulation 52 (ix) of DERC Supply Code, 2007**

Provision to Regulation 52 (ix) provides that:-

*Provided that, in case of suspected theft, if the consumption pattern for last one year is reasonably uniform and is not less than 75% of the assessed consumption, no further proceedings shall be taken and the decision shall be communicated to the consumer under proper receipt within three days and connection shall be restored through original meter.*

The Commission observed that the consumption pattern has not been analyzed. Hence, it appears that the Respondent has contravened the aforesaid provisions of DERC Supply Code, 2007.

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

Regulation 52 (xii) provides that:-

*....theft will not be limited to physical interference with the meter found in physical inspection. It will also include theft committed by resorting to external methods such as remote control/ high voltage injection etc. which interfere with the accurate registration of energy consumed. Theft of electricity may be established by analysis of metering data down-loaded by a third party authorized laboratory. In case theft of energy is determined by way of meter down load, the show cause notice will be sent to the consumer/user.*

The Commission observed that as per the Speaking Order the meter was disturbed by External Magnetic Field for which the analysis of metering data down-loaded by a third party authorized laboratory is required for establishing the theft of electricity. However, in the instant case it appears that the Respondent has violated the provision of Regulation 52 (xii) since the data was not downloaded by a third party authorized lab.

**d) Violation of Regulation 56 of DERC Supply Code, 2007**

Regulation 56 provides that:-

*While making the assessment bill, the Licensee shall give credit to the consumer for the payments already made by the consumer for the period of the assessment bill. The bill shall clearly indicate the timing, days and place where it is to be deposited. All such payments shall be made by way of Demand Draft/Bank Pay Orders only.*

The Commission observed that no credit was given to the consumer for the payments already made by the consumer for the period of the assessment bill. Hence, it appears that the Respondent has contravened the provisions of DERC Supply Code, 2007.

5. 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 two 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.

6. Take notice that in case the Licensee above named fail to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Licensee has nothing more to say and the Commission shall proceed in the absence of such reply in accordance with law.
7. The next date of hearing shall be intimated to the parties in due course.
8. Ordered accordingly.

Sd/-  
(B. P. Singh)  
Member