

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

IA 127 of 2013 in DFR 2457 of 2012

Dated : 3rd May, 2013

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

**Tata Power Delhi Distribution Ltd. ... Appellant/(s)
Petitioner**

Versus

Delhi Electricity Regulatory Commission & Anr.Respondent(s)

Counsel for the Appellant/ (s) : Mr. Parijat Kishore
Petitioner

Counsel for the Respondent (s): -

ORDER

The factual particulars which are given in Para Nos. 39 to 42 in the Order dated 30.04.2013, in our view need corrections. Therefore, in the place of Paragraphs 39 to 42, the following paragraphs have to be substituted.

“39. The other ground which has been raised in this Appeal is that the State Commission has no jurisdiction to entertain any complaint for violation of Regulations, 2002 and impose penalty on the Appellant under section 142 of the Electricity Act, 2003 in view of the fact that Section 142 can be invoked only when there

is violation of Regulations framed under the Electricity Act, 2003, but the provisions of the Regulations, 2002 were not framed under 2003 Act, therefore, the complaint by the consumer was not maintainable and that this aspect had not been gone into by the State Commission. This ground, in our view, has no basis.

40. It cannot be disputed that the Delhi Commission has got the powers to frame Regulations under the Delhi Electricity Reforms Act,2000, prior to Act,2003.

41. Under Section 61 of the Delhi Electricity Reforms Act,2000 power has been conferred on the Delhi Commission to make Regulations. These regulations framed by the State Commission have to be placed before the State Legislature under section 62 of the 2000 Act.

42. As indicated above, these Regulations in respect of which the violation has been complained of, has been validly framed under the Act,2000. It is to be noted that Section 185 of the Act,2003 which relates to the Repeal and Savings, provides that various earlier Acts including Delhi Reforms Act,2000 have been saved. Under Section 185(3) of 2003 Act the provisions of the Delhi Reforms Act which are not inconsistent with the 2003 Act, will be applicable to Delhi. Accordingly, the Regulations framed under Delhi Reforms Act, 2000 not inconsistent with the

provisions of the 2003 Act will be applicable. Hence, it cannot be said that there is no jurisdiction for the State Commission to impose penalty on finding the licensee guilty of the violation of the Regulations, 2002. Thus, we find no merit in any of the grounds raised by the learned Counsel for the Applicant/Appellant in the Appeal.”

The Registry is directed to carry out the corrections and issue the fresh Order.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson