Delhi Electricity Regulatory Commission

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

Petition No. 24/2005

Sh. Ashok Kumar Narula
S/o Shri R.L. Narula,
C/o 473, Lawrance Road,
Keshavpuram,
New Delhi-110035. **……..Petitioner**

Through: Sh. O.P. Gupta, Advocate,
B-5/95, Paschim Vihar,
New Delhi-110063.

VERSUS

1. North Delhi Power Ltd.
   Through its : **CEO**
   Grid Sub- Station Building,
   Hudson Lines, Kingsway Camp,
   Delhi-110009.
2. Sh. Jagdish Bajaj S/o Late Shri Trilok Nath
3. Shri Ashok Bajaj S/o Late Shri Trilok Nath
4. Shri Balbir Bajaj S/o Late Shri Trilok Nath **……Respondents**

Coram :
Sh. Berjinder Singh, Chairman, Sh. K. Venugopal, Member & Sh. R. Krishnamoorthy, Member.

Appearance :

1. Sh. O.P. Gupta, Advocate, on behalf of the Complainant.
2. Ms. Neha Gupta, on behalf of the Complainant.
3. Sh. Bibhu Biswal, A.M., NDPL.
4. Sh. Anuj Bansal, Executive, Legal Affairs, NDPL.

ORDER

(Date of Hearing: 26.9.2006)
(Date of Order : 06.10.2006)

1. Sh. O.P. Gupta, Advocate for the Petitioner has submitted that he has deposited a sum of Rs.2,70,000/- in compliance of the Order of the Permanent Lok Adalat on 22.1.2003. He has further submitted that though he deposited the amount of Rs.2,70,000/- on the direction of Permanent Lok Adalat, the matter could not be settled. Consequently, he had to file a Civil Suit in the Court of Civil Judge, Delhi.

2. The Respondent, NDPL in their written statement filed in the said Civil Suit, had taken a plea that the Complainant has no locus standi to file the said suit, as Sh. Trilok Nath of M/s Amar Glass Works is the recorded/registered consumer in respect of the said electricity connection. It has been further stated that a case of Dishonest Abstraction of Energy (DAE) has been registered against the registered consumer and a bill of an amount of Rs.13,49,565/- was raised.

3. Sh. Gupta, the Counsel for the Complainant, has submitted that in view of the above-mentioned submissions of the Licensee (NDPL) before the Civil Judge, he had withdrawn his suit from the Civil Court. He has now requested that as he has no locus standi and is also not a registered consumer in respect of the said electricity connection, the amount of Rs.2,70,000/- deposited by him, on the directions of the PLA, should be refunded to him alongwith 24% interest from the date of deposit till the date of refund and the Licensee be further directed to take appropriate action, if any, against the Respondents No. 2 to 4 who are the sons of late Sh. Trilok Nath, the registered consumer.

4. On the query of the Commission, the representative of the Licensee, NDPL submitted that they have not filed any reply, as copy of the written submission was not forwarded to the Licensee. He has further submitted that the Licensee had conducted an inspection in the premises of the applicant and raised a DAE bill as per the Regulation of the Commission. He has claimed that the present application is not maintainable before this Commission as the dispute regarding refund of amount of Rs.2,70,000/- is a civil dispute and is outside the scope of the jurisdiction of the Commission.

5. The Commission has carefully considered the submissions of both the parties and is of the considered view that subject matter of the present petition where a direction is sought from the Commission against this Respondent to refund an amount of Rs.2,70,000/- alongwith 24% interest, is beyond the jurisdiction of the Commission. Accordingly, the petition is dismissed. The Complainant is at liberty to seek the redressal of his complaint before an appropriate Forum.

6. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(K. Venugopal) MEMBER	(R. Krishnamoorthy) MEMBER	(Berjinder Singh) CHAIRMAN