

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

CG/320/2005

Sh. B.S. Narwal,
1426A – B1, Vasant Kunj,
New Delhi-110070.

.....**Complainant**

VERSUS

BSES Rajdhani Power Ltd.
Through its : **CEO**
BSES Bhawan, Nehru Place,
New Delhi-110019.

.....**Respondent**

Coram :

Sh. Berjinder Singh, Chairman & Sh. K. Venugopal, Member .

Appearance :

1. Sh. B.S. Narwal, Complainant.
2. Sh. R.C. Mehta, BRPL
3. Sh. S.C. Sharma, Addl. GM, BSES

ORDER

(Date of Hearing : 23.3.2006)

(Date of Order : 31.3.2006)

1. Sh. B.S. Narwal, appearing in person has submitted before this Commission that he seeks remedy against the Order of the Consumer Grievance Redressal Forum (BRPL).

2. It is stated by Sh. Narwal that on the basis of the Order of the Consumer Grievance Redressal Forum (BRPL) dated 5.12.2005, the Licensee has served him a notice and disconnected his electricity. It is stated by Sh. Narwal that he had gone before the Electricity Ombudsman in an appeal, but the appeal was disallowed on the grounds that the guidelines of the Regulations notified by the Commission requires the Appellant to deposit 1/3 of the amount declared by the Consumer Grievance Redressal Forum. Sh. Narwal contested that such condition for preferring an appeal to an Appellate Authority is oppressive and unreasonable. He contested that this provision of the Regulation is void and should be struck down.

3. The Applicant prays that the Respondent be directed to reconnect the electricity immediately and the order of the Consumer Grievance Redressal Forum be declared null and void.

4. Sh. S.C. Sharma, Addl. General Manager appearing on behalf of the Respondent Licensee submits that the Applicant had moved the Electricity Ombudsman and was under obligation to furnish the requisite amount as declared by the Consumer Grievance Redressal Forum. It is also stated on behalf of the Respondent that the matter was dealt by the Consumer Grievance Redressal Forum and it was pointed out there that the Applicant had made payments through cheques and said cheques were dishonoured and consequently, there is no payment made by the Applicant for the electricity consumed since the year 2002. It is stated that the Respondent had issued a disconnection notice on 26.12.2005 under Section 56 of the Electricity Act, 2003 for the non-payment of the electricity bills.

5. It is submitted by Sh. S.C. Sharma, that it is wrong to state that on the basis of the orders of the Consumer Grievance Redressal Forum, the Licensee had issued the notice and disconnected the electricity. It is stated that the Licensee has right under Section 56 of the Act, to disconnect the supply if the consumer fails to pay the bills for consumption of electricity.

6. The parties have been heard. This application has been made by the Applicant which, firstly, challenges the Order of the Consumer Grievance Redressal Forum (BRPL) dated 15.12.2005 and secondly, the application challenges the DERC (Guidelines for establishment of Forum for redressal of grievances of the consumer and Ombudsman) Regulations, 2003. The arguments made by the Applicant is directed to invoke the jurisdiction of the Commission on the above mentioned issues.

7. The Commission has heard the arguments and without going into merits of the case at the very threshold, the opinion of the Commission is that the Applicant has not been able to exhibit any provision of Law, Rules or Regulations, whereby, it can be shown that this Commission can sit as an Appellate Authority over the Orders of the Consumer Grievance Redressal Forum. Secondly, the Commission is not the authority where the Regulations framed and notified by the Commission can be challenged on the grounds that they are unreasonable and oppressive. The Applicant has to move an appropriate authority for the requisite relief which he seeks. The Commission is of the opinion that the Applicant has failed to furnish any ground to show that this Commission can grant any relief on the application made by the Applicant. In view of the above, the application is dismissed.

8. Ordered accordingly.

Sd/-
(K. Venugopal)
Member

Sd/-
(Berjinder Singh)
Chairman

