

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017

Ref. F.11(699)/DERC/2011-12/C.F.No. 2931/ 411

Petition No. 42/2011

In the matter of: Complaint under Section 142 of the Electricity Act, 2003.

AND

In the matter of:

Chandan Singh & Ors.
R/o Village & P.O. Karala,
Delhi-110 081

...Complainant

VERSUS

M/s Tata Power Delhi Distribution Limited
Through its : **MD**
Grid Sub-Stn. Building,
Hudson Lines, Kingsway Camp,
Delhi-110 009

...Respondent

Coram:

**Sh. P.D. Sudhakar, Chairperson, Sh. Shyam Wadhera, Member &
Sh. J.P. Singh, Member.**

Appearance:

1. Sh. K.L. Bhayana, Advisor, TPDDL;
2. Sh. Ajay Kalsi, Company Secretary, TPDDL.
3. Sh. O.P. Singh, Sr. Manager, TPDDL;
4. Sh. Shalendra Singh, Manager, TPDDL;
5. Sh. K. Datta, Advocate, TPDDL;
6. Sh. Manish Srivastava, Advocate, TPDDL.

ORDER

Date of Hearing: 20.03.2012
(Date of Order: 26.04.2012)

1. This Petition is filed by the petitioner to restrain the Respondent from interfering in the field of the Petitioner, either by way of electricity supply line or by fixing the poles on the field.
2. It is undisputed between the parties that the Petitioner filed a W.P.(C) No. 1734/2010 and C. M. Appeal No. 3443, 5044/2010 before the Hon'ble High

Court of Delhi and prayed to restrain the NDPL permanently to install extra high tension power line and electric poles over the land and award them compensation. It is also not disputed that the Hon'ble High Court vide its Order dated 06.05.2010 disposed off the matter with directions that the Petitioner shall make a representation within a week from that day to the Deputy Commissioner (Distt. North-West). Who will adjudicate the claim of the Petitioners in accordance with law within two weeks. Thereafter, the decision will be communicated to each of the Petitioners in writing within one week.

3. It is also not disputed that the Petitioner again filed a Writ Petition no. 8843/2011 before the Hon'ble High Court and the Hon'ble High Court vide its Order dated 20.12.2011 dismissed the Petition as withdrawn alongwith the pending applications. ‘
4. Besides the above-mentioned facts, the Petitioner's submission in brief are that he is the owner of the disputed land and there exist already two high tension lines through the land. One line is without wire and connect the same sub-station at both its ends. The Respondent is not using the existing line but instead trying to lay another line. If the wires will go over the Petitioner's field, the Petitioner will never be able to use the land and there will always be a risk of a mishap taking place. The market value of land will also reduce. The Petitioner prayed that the Respondent be restrained from installing pole or laying electric lines in his fields.
5. The Respondent in its reply challenged the jurisdiction of the Commission and prayed that the instant complaint be dismissed being devoid of any cause of action for the reason that the dispute/grievance raised by the Complainant's has already been effectively decided by the Competent Authority/Court.

6. The Petition was listed for hearing on 20.03.2012 wherein, the Petitioner or his representatives did not appear before the Commission. The Respondent was represented by its Counsel Sh. K. Datta.
7. The Commission after perusing the material available on the record and considering the submissions of the Respondent observed that the prayer made by the Complainant for restraining the Respondent to install High tension wire on his land is not within the purview of the provisions of Section 142 of the Electricity Act, 2003. Moreover, for the same relief the Petitioner filed Writ Petitions before the Hon'ble High Court and as per the directions of the Hon'ble High Court, Distt. Magistrate, Delhi has adjudicated upon the matter. Instead of following the direction of the Hon'ble High Court and Distt. Magistrate, Delhi the Petitioner has filed this Petition which is barred by the principle of res judicata because issues raised in this Petition have already been adjudicated upon by the Competent Authority/Court. The Petitioner did not appear on the date of hearing which shows that he does not want to press this matter further.
8. For the reasons recorded above, this Petition is dismissed.
9. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON