

Delhi Electricity Regulatory Commission

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

Ref. F.11(646)/DERC/2010-11/C.F.No. 2719/166

Petition No. 35/2010

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

AND

In the matter of :

Deepak Kumar @ Deepender Phore
S/o Late Shri Mahender Singh
R/o WZ-55, Shadi Pur,
New Delhi

...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. O.P. Singh, Sr. Manager, TPDDL;
3. Sh. Ajay Kalsi, Company Secretary, TPDDL;
4. Sh. Manish Srivastava, Advocate, TPDDL;
5. Sh. K. Datta, Advocate, TPDDL.

ORDER

Date of Hearing: 13.03.2012
(Date of Order: 10.04.2012)

1. The instant complaint is filed by Deepak Kumar@Deepender phore S/o late Shri Mahender Singh against the Respondent under section 142 of the Electricity Act, 2003. He is R/o H. no. WZ-55, Shadi Pur, New Delhi and having electricity connection of K. No. 33400645189P in the name of

Sh. Vijay Kumar for domestic purpose and another connection No. 33400123755L for non- domestic purpose in the name of Sh. Shori Lal.

2. The brief matrix of the case is as under:

The inspection of the premises was made by the Respondent Company on 28.04.2010 and as per allegation of the Respondent the supply from the above connection was found extended to another premises. Following which the Respondent issued Show Cause notice on the same day to the complainant under section 126 for unauthorised use of electricity and asked the complainant to appear before the Competent Authority on 04.05.2010 for personal hearing. It has been submitted that the Assessing Officer of the Respondent after hearing the complainant issued provisional order on dated 07.06.2010 for assessed amount of Rs. 77034/- which was objected to by the complainant by filing objection letter on 21.06.2010. On 08.11.2010, the complainant received regular electricity bill dated 28.10.2010 of K.NO. 33400645189P of Rs. 1,44,000/- and found that the Respondent has generated this electricity bill by accounting for Misuse/unauthorised use in which the current charges were shown as Rs. 26,881.92 and past dues as Rs. 1,17,112/-.

3. The Respondent has challenged the maintainability of the above complaint in the Commission on the ground that the Commission cannot be a appellate authority in the order passed by the Assessing Officer u/s 126 of the Act; whereas the complainant should approach the appropriate appellate authority constituted u/s 126 (vii) of the Act. Moreover, the complainant has also filed a complaint before CDRF Janak Puri under CP Act 1986 against the above. It has also been submitted that the complainant had also approached the special court but subsequently has withdrawn his suit.

4. The above matter was listed for hearing on 13.03.2012 in the Commission. None appeared on behalf of the complainant, while the above mentioned official appeared on behalf of the Respondent. At the time of hearing the counsel of the Respondent informed the Commission that the above matter has been settled before CDRF, Janak Puri, on the agreed terms i.e. against the total amount of Rs. 2,32,482/- (which includes the energy charges upto reading date 15.02.2011 and NTA amount of Rs. 91,432/- and Rs. 1,01,900/-) the complainant shall pay Rs. 1,57,000/- wherein he shall pay first instalment of Rs. 77,000/- by 28.02.2011 and rest of the amount shall be paid in four instalments of equal amount at the end of every month. It was also agreed to initiate the process of new connection and withdrawal of the misuse charges made under section 126 of the Act.
5. The Commission taking cognizance of the absence of the complainant, above submissions made by the Respondent as well as taking on record the copy of the settlement order of the CDRF disposed off the above complaint in terms of the above settlement order.
6. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON