

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11(1452)/DERC/2016-17/5612

Petition No. 03/2017

Under section 142 of the Electricity Act, 2003

In the matter of:

Shri Deepak Punjwani,
S/o Shri Wadhu Ram,
R/o 472/43, F/F, Chisti Chaman,
Kishan Ganj, Delhi – 110007

.....**Complainant**

VERSUS

Tata Power Delhi Distribution Ltd.

Through its: M.D

Grid Sub – Station Building,
Hudson Lines, Kingsway Camp
New Delhi – 110009

.....**Respondent**

CORAM: Sh. B.P. Singh, Member

Appearance:

1. Shri Subhash Chander, Authorized representative of the Petitioner;
2. Shri O P Singh, DGM, TPDDL;
3. Ms Aditi Sanghi, Sr. Executive, TPDDL.

ORDER

(Date of Hearing: 15.03.2018)

(Date of Order: 27.03.2018)

1. The instant petition has been filed by Shri Deepak Punjwani (user) under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. for violation of the procedure as laid down in the Regulations of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007.
2. Vide Order dated 03.05.2017, the Commission had directed the Petitioner to file written submission explaining the reasons for delay of 7 years in filing the instant petition, which has since been filed by the Petitioner on 11.05.2017, wherein the Petitioner made the following submissions:
 - a) The present complaint has been filed only after the liberty to complainant was granted by the Special Court of Electricity, Tis Hazari, Delhi in Civil Suit No. 99/2010 which is still pending adjudication and fixed for 07.09.2017;

- b) Special Court of Electricity on the submissions of TPDDL that load enhancement violation cases cannot be adjudicated by Special Court, Liberty to approach DERC was sought which was granted vide order dated 13.05.2016. the certified copy of the order dated 13.05.2016 could be obtained after 27.07.2016;
 - c) The file of Suit No. 99/2010 got misplaced by photo copier and could not be traced till 7th December 2016 when it could not be found. Thereafter the present complaint was filed on 24.01.2017. Hence, the delay if any is neither intentional nor malafide but due to bonafide reason as explained herein above.
 - d) Complainant prays that in case there is any delay in filing the present complaint the same may kindly be condoned in the interest of justice so as to save the consumer from levying of fixed charges on arbitrarily enhances load from 4kw to 17kw in addition to considering the other grievances;
- 3. The matter was heard on 15.03.2018. The Authorized representative of the Petitioner reiterated its submissions made in the Petition.
 - 4. It is observed from the submissions of the Petitioner that Special Court of Electricity has given liberty to the Petitioner to approach DERC on the issue of enhancement of load. However, enhancement of load is not the subject matter of the present petition, hence order of Special Court of Electricity allowing petitioner to approach DERC on the issue of enhancement of load cannot be considered as a reason for delay. Thus, the Petitioner has failed to show any sufficient or reasonable cause for the inordinate delay of more than 7 years in filing the Petition.
 - 5. The petition is dismissed.
 - 6. Ordered accordingly.

Sd/-
(B. P. Singh)
Member