

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11(575)/DERC/2010-11/C.F.No. 2509

Petition No 83/2010

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

AND

In the matter of:

Sh. Gohar Taneja
Proprietor of M/s Taneja Fruit Trading Agency
C-82, 2nd Floor,
New Sabzi Mandi, Azad pur,
Delhi

...Complainant

VERSUS

North Delhi Power Limited
Through its: CEO
Grid Sub-Station Building,
Hudson Lines, Kindgsway 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, NDPL
2. Sh. Ajay Kalsie, Company Secretary, NDPL
3. Sh. O. P. Singh, Sr. Manager, NDPL

ORDER

(Date of Hearing: 27.09.2011)

(Date of Order: 20.10.2011)

1. The instant complaint has been filed by Sh. Gohar Taneja under section 142 of Electricity Act, 2003 against the unfair trade practice and deficiency in services on the part of the respondent NDPL.

2. Sh. Gohar Taneja is the proprietor of M/s. Taneja Fruit Trading Agency, C-82, 2nd Floor, New Subzi Mandi, Azadpur, Delhi.
3. In the complaint the applicant has submitted that he is badly suffering of the hands of the respondent NDPL, as the same has arbitrarily and illegally transferred the dues of another disconnected connection against his live connection.
4. The complainant has further submitted that he has no such disconnected connection or premises where such connection was installed, as alleged by the Respondent and sought action against the respondent for alleged harassment caused to him due to the above act by transferring the dues of other connections to his account.
5. It has been submitted that the Respondent by invoking Regulation 49(ii) of Delhi Electricity Regulatory Commission Supply Code & Performance Standard Regulations 2007, issued notice to him on dated 18/03/2009 and subsequent letter dated 10/11/2009, informing the complainant therein that the amount of Rs. 55,070/-, which was outstanding against connection K.No. 45100595190, installed at ground floor of the same premises in the name of Shri G. Chand Darshan Singh, due to disconnection, have now been transferred against the connection of the complainant K.No. 45100135221 installed at 2nd floor of C-82.
6. When the complainant made a representation to the respondent on 21/10/2009, the complainant disconnected the electric supply of the complainant.
7. It has been submitted that for withdrawal of above said bill, the complainant filed a complaint before Consumer Grievance Redressal Forum.
8. The CGRF passed an order on dated 14.12.2009 directing the Respondent to restore the supply of the consumer within 48 hours and to deposit the current dues.
9. In its final order dated 26.03.2010 CGRF decided that the amount relating to K.No.45100951590 be withdrawn and the revised bill be

sent to the complainant in the next billing cycle. LPSC charged, if any may also be withdrawn.

10. The complainant was not satisfied with the above order and filed appeal before the Ombudsman, who in its order decided that the preliminary objections raised by the Respondent were not valid. According to the Ombudsman it is a case of unnecessary harassment caused to the consumer by giving wrong facts by the officials of the Respondent in the inspection report, for which she awarded compensation of Rs. 50/- per day to the consumer for the period that the supply remained disconnected i.e. 25.09.2009 to 22.12.2009.
11. In addition to it, she also awarded additional compensation of Rs. 500/- per month for eleven months against the harassment caused to the consumer on account of the errors of the Respondent.
12. In the above complaint the petitioner has, sought following relief:-
 - a) Direct the Respondent, its agents, officials, servants etc. to pay a compensation of Rs. 50,000/- to the complainant on account of harassment, mental torture, pain & agony, humiliation and for unfair trade practice as well as deficiency in service.
 - b) Action be taken against the guilty officers of the respondent as per law who gave wrong and false report regarding alleged extension of electricity supply against the complainant.
13. The Commission listed the matter for hearing on dated 27.09.2011 which was only attended by a representative of the Respondent, whereas no one appeared on behalf of complainant. In the course of hearing it was mentioned by the representative of the Respondent that the above matter has already been decided by the CGRF and subsequently Ombudsman in appeal and the Respondent has complied with the orders of the above statutory bodies.
14. Moreover, the written undertaking given before the Hon'ble Ombudsman by the complainant, stating that the said complaint was being withdrawn from the DERC; therefore, in light of the

above the present complaint has become in-fructuous and hence, the present complaint is not maintainable and may be dismissed.

15. So, in the light of the above, the Commission is of the view that as the CGRF and Ombudsman have already decided the above issue with regard to relief sought in para 'a' of above prayer, where the petitioner has sought compensation of Rs. 50,000/- against the above illegal act of the respondent by awarding the compensation of Rs. 50/- per day for the period that the supply remained disconnected i.e. 25.09.2009 to 22.12.2009 and In addition to it awarded additional compensation of Rs. 500/- per month for eleven months against the harassment caused to the consumer on account of the errors of the Respondent; therefore, the Respondent cannot be penalised twice for the same error.
16. Moreover by not attending the hearing of the Commission, shows that the complainant is no more interested to press his prayer made in the above complaint; hence, the present complaint is dismissed as being settled/withdrawn.
17. Ordered accordingly.

-Sd-
(J.P. Singh)
MEMBER

Sd-
(Shyam Wadhera)
MEMBER

-Sd-
(P.D. Sudhakar)
CHAIRPERSON