

DELHI ELECTRICITY REGULATORY COMMISSION

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

Ref. F.11(598)/DERC/2010-11/C.F.No. 2581/6436

Petition No. 75/2010

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

AND

In the matter of :

Ms. Gargi Mukherjee
B-2/2312, Vasant Kunj,
New Delhi-110 070

...Petitioner

Versus

BSES Rajdhani Power Ltd.
Through its: **CEO**
BSES Bhawan, Nehru Place,
New Delhi – 110 019.

...Respondent

Coram:

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

Appearance:

1. Sh. Sudip Bhattacharya, Sr. Manager, BRPL;
2. Sh. Parmod Kr. Gupta, Asstt. Manager, Legal, BRPL;
3. Ms. Gargi Mukherjee – Complainant;
4. Ms. Nirmala, Advocate – Complainant.

INTERIM ORDER

(Date of Hearing : 14.02.2012)

(Date of Order : 22.02.2012)

1. The above matter was listed for hearing today in the Commission; where above named representatives of both the parties were present.
2. In the course of hearing, the counsel of the complainant submitted that the Respondent is not installing electricity meter even after payment of settled amount, in pursuance of the order of the Delhi High Court Legal Services Committee Lok Adalat made vide No. DHCLSC/10/SPL LOK ADALAT/ Dated 13-14/02/2010. Vide this order, it was decided that the consumer shall pay a total sum of Rs. 75,000/- towards full and final settlement of the impugned bills and the above amount shall be paid in three instalments of Rs. 25,000/- each. The first instalment shall be

paid by 25.02.2010 and remaining amount up to March, 2010. It was further decided, that the petitioner shall apply for new connection after making payment of first instalment.

3. The Complainant further submitted that the Respondent failed to install the new connection at her premises inspite of her depositing the entire settled amount as per the order of the Lok Adalat. In reply to the above inaction of the Respondent for not giving a new connection as per direction of the Lok Adalat, the representative of the Respondent took the plea that the petitioner has failed to complete the commercial formalities, which Include payment of pending dues on the old connection as well as applicable charges including security deposit for providing new connection. The Respondent also stated that the Lok Adalat directions were not binding on the DISCOM.
4. The counsel for the petitioner drew the attention of the Commission to order dated 20.02.2010 of the Permanent Lok Adalat-II, wherein the Court has ordered as under:-

“The petitioner has already made a payment of Rs.50,000/- on 05.11.2009 against this outstanding demand it appears that on reconciliation of the arrears as per the consumption recorded by the meter the outstanding demand may not be even Rs. 80,000/-. In view of these circumstances, supply of the Petitioner will be restored through new meter within 3 working days of the petitioner making on payment of the settled amount of Rs. 75,000/- and on completion of commercial formalities. The relevant record comprising of consumption chart and payment details shall be brought by the department on 20.03.2010. The case is adjourned to 20.03.2010”
5. The Commission observes that the matter regarding settlement of dues payable by the Petitioner to the Respondent Company is already before Senior Civil Judge Saket in Civil Suit No. 302/2010. While the above matter is under adjudication of the Civil Court, the Order dated 20.02.2010 of the Permanent Lok Adalat-II that “supply of the Petitioner will be restored through new meter within 3 working days of the Petitioner making on payment of the settled amount of Rs.75,000/- and on completion of commercial formalities” remains uncomplied. Further more, as per Section 21 of the Legal Services Authority Act 1987, every award of the Lok Adalat shall be final and binding on all the parties of the dispute and no appeal shall be lie any court against the award.

6. Pending completion of the proceedings in the Civil Court, the Commission directs the Respondent to ensure that the electricity connection of the Petitioner is restored within 7 days of the order after completing the commercial formalities of payment of reconnection charges and security deposit but excluding other dues which are under adjudication before the Civil Court. The Commission shall review the status on the next date of hearing.
7. The matter shall now be listed for hearing on 13th March, 2012.
8. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(Shyam Wadhera)
Member

Sd/-
(P. D. Sudhakar)
Chairperson