

# 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. 2581/607

## **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. K. Datta, Advocate, BRPL;
3. Sh. Manish Kumar Srivastava, Advocate, BRPL;
4. Ms. Gargi Mukherjee – Petitioner.

## **ORDER**

(Date of Hearing: 24.04.2012)

(Date of Order: 04.05.2012)

1. The Petitioner has filed this Petition for directing the Respondent to refund the money allegedly abstracted from her in tune of Rs. 1,55,000/- and restraining the Respondent from harassing the Petitioner.
2. The Petitioner's case in brief is that she is a resident of B-2/2312, Vasant Kunj, New Delhi. Initially this flat was owned by her father Sh. A. N. Mukherjee. After the death of her father she moved an application to change the electricity meter in her name. Thereafter, the Petitioner went to Bombay in December, 2007 and came back in February, 2008. After coming from Bombay she found that her electricity meter was stolen. She made a complaint in the Respondent's office. The Respondent's

enforcement team booked a case of theft against her and raised a bill of Rs. 1,54,000/-. She further submitted that she received a notice regarding pending arrears of meter of Sh. A. N. Mukherjee amounting to Rs. 1,25,000/- against which she paid Rs. 18,000/- on 05.11.2009 on the advice of the Respondent's official with a promise that after paying the amount her electricity meter would be installed. Further, after submitting all the relevant documents for reconnection of meter to the Respondent's office, her meter was neither reconnected nor installed.

3. The Petitioner further submitted that she settled the theft bill in the Delhi High Court Legal Services Committee Lok Adalat where she was asked to pay an amount of Rs. 75,000/- in three instalments and the Respondent was directed to energise her connection after the payment of first instalment. However, even after payment of the said instalment the Respondent did not reconnect her connection. She further submitted that she has deposited the rest of the settled amount of Rs. 50,000/- on 29.04.2010, but the Respondent failed to reconnect her electricity meter.
4. The Respondent in its reply sought dismissal of the complaint on the ground that the Petitioner has already filed a Civil Suit No. 302/10 involving same issues which is pending in the Court of Mrs. Vijeta Singh, Senior Civil Judge, Saket.
5. The above matter was listed for hearing in the Commission on 14.02.2012, wherein, the Commission vide its Interim Order on 22.02.2012, directed the Respondent to ensure that the electricity connection of the Petitioner would be restored within 7 days of the order as settled by Lok Adalat after getting completed all commercial formalities which includes payment of reconnection charges and security deposit and exclude other dues, which are under adjudication before the Civil Court & wanted to review the status of the case in the next date of hearing.
6. In the hearing held on 24.04.2012 the Respondent informed the Commission that it has complied with the order of the Commission to the extent of reconnection of supply, which was also affirmed by the Petitioner. The Petitioner further submitted that as far as the disputed arrears of bills are concerned, the same issue is sub judice before the Civil Court.

7. After hearing both parties and considering the material available on the record the Commission observed that since the issues raised in this Petition are sub judice before the Civil Court, therefore, this Petition is barred by the principle of Res Sub judice (as provided in Section 10 of CPC). Therefore, this Petition is dismissed with a liberty to the Petitioner to file a fresh complaint in the Commission, in case the Special Court finds any violation of the Regulations on the part of the Respondent.
8. Ordered accordingly.

Sd/-  
(J.P. Singh)  
MEMBER

Sd/-  
(Shyam Wadhera)  
MEMBER

Sd/-  
(P.D. Sudhakar)  
CHAIRPERSON