Delhi Electricity Regulatory Commission

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

Ref. F.11(679)/DERC/2010-11/C.F.No. 2847/382

Petition No. 24/2011

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

AND

In the matter of :

Hira Lal Jain
S/o Sh. Sohan Lal Jain
H.No. 17/24, First Floor,
Shakti Nagar,
Delhi-110 007 **…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. Ajay Kalsi, Company Secretary, TPDDL.
3. Sh. O.P. Singh, Sr. Manager, TPDDL;
4. Sh. Shalendra Singh, Manager, TPDDL;
5. Sh. K. Datta, Advocate, TPDDL;
6. Sh. Manish Srivastava, Advocate, TPDDL.

ORDER

Date of Hearing: 20.03.2012
(Date of Order: 24.04.2012)

1. The instant complaint has been filed by Sh. Hira Lal Jain, who is the user of electricity connection bearing K.No. 35500121981, installed at H.No. 17/24,

First Floor, Shakti Nagar, Delhi-110007 for domestic purpose with 5 KW sanctioned load. The said connection is in the name of Sh. J.K. Goel.

2. The brief matrix of the case is that on 06.01.2011, as per complainant, there was a short circuit in the electric meter of the above said electric connection for which the complainant informed the Respondent on the same day. Following this, two officials of the Respondent namely Sh. Prem Lal & Sh. Virender visited the premises of the complainant and repaired the meter after breaking the seal. Again, due to sparking, the said meter stopped working, for which complainant again informed the Respondent, who visited the site on 11.01.2011 and replaced the meter.

3. On 13.01.2011, the officials of the Respondent again visited the premises and booked DAE case u/s 135 of EA, 2003 and issued a Show Cause Notice by raising a bill of Rs. 55,069/- against DAE case. The complainant filed the instant complaint against the Respondent on the ground that the Respondent has violated the clause 26(iii) of DERC (Performance Standards-Metering and Billing) Regulation, 2002, by not passing the Speaking Order within 15 days, clearly indicating whether the case of suspected theft/DAE is established or not. The Respondent should have issued the DAE Assessment for 12 months and included the period of O.K. condition meter. There is a deficiency in services and unfair trade practice on the part of the Respondent. The officials of the Respondent are duty bound to follow the Regulations formulated by DERC but are deliberately flouting the same in order to earn revenue by deceitful means. The Respondent is misusing its monopolistic powers and the consumers like the complainant/petitioner are at the mercy of the Respondent.

4. Respondent in its reply filed in the Commission on 03.02.2012 has informed that the petitioner has filed Civil Suit No. M- 272/11, which is pending before Rohini, Special Electricity Court, therefore, we may dispose off the

above complaint, in light of the above, as the same is barred by Section 10 of CPC.

5. It has also sought dismissal of the above complaint on the ground of jurisdiction as well as not mentioning of any specific violation, related to DERC Supply Code & Performance Standard Regulation, 2007 which is in force now, since the DERC (Performance Standards–Metering & Billing) Regulation, 2002, has now been repealed.

6. The matter was listed for hearing on 20.03.2012 in the Commission, which was attended by the above representative of the Respondent; however, no one appeared on behalf of the Complainant.

7. The Commission after perusing the record available with the Commission and oral submissions made by the Respondent decides that since the matter is already pending in Civil Court, hence, this case is barred by section 10 of CPC (res-subjudice). Moreover, the Complainant has also not attended the hearing and it appears that the complainant is no more interested to press his prayer and hence the instant complaint is dismissed.

8. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(J.P. Singh)	(Shyam Wadhera)	(P.D. Sudhakar)
MEMBER	MEMBER	CHAIRPERSON