

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

F.11 (1263)/DERC/2015-16

Petition No. 55/2015

In the matter of: Petition filed under section 142 of Electricity Act, 2003

And

In the matter of:

K.P. Agarwal
House No. 21, Pocket F-2,
Sector 15,
Rohini, Delhi – 110089

.....**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. P. D. Sudhakar, Chairperson & Sh. B. P. Singh, Member

Appearance:

1. Petitioner in person,
2. Shri Manish Srivastava, Advocate for Respondent.
3. Sh. O P Singh, DGM, TPDDL

ORDER

(Date of Hearing: 16.10.2015)

(Date of Order: 05.11.2015)

1. The instant petition has been filed by Sh. K.P. Agarwal under Section 142 of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. seeking following reliefs:

- a) TPDDL may be directed to refund the amount of Rs. 33336 to complainant with the same rate of interest as TPDDL charges from consumers.

- b) Pay the amount as judged by the Forum as compensation damages for the mental and physical harassment suffered by the complainant.
 - c) Pay an amount as deemed fit by Forum as litigation expenses to complainant.
- 2. The matter was heard on 16.10.2015, and it was attended by the petitioner. Counsel and Representative on behalf of the Respondent also attended the proceedings.
- 3. The counsel for the Respondent contended that the complainant has not made out any specific violation in terms of Section 142 of the Electricity Act, 2003 against the Respondent. Further, the incident happened in 2000 and its maintainability is in question in terms of the Electricity Act, 2003, since the said Act was not in existence.
- 4. In addition the Respondent submitted that the applicant had preferred application before the Consumer Dispute Redressal forum (CDRF), but he did not get any relief either from CDRF or the Delhi State Consumer Disputes Redressal Commission. Matter is still pending before the CDRF and judgment is likely to be delivered on 08.01.2016.
- 5. The Commission observed that the reliefs sought by the Complainant do not fall under the jurisdiction of this Commission in terms of Section 142 of the Electricity Act, 2003. Further, a case seeking the same relief is already pending with another forum viz. the CDRF. Above all the Complainant has failed to establish as how the reliefs as sought for by him fall under the jurisdiction of this Commission.

6. In view of the above, the case is not admitted and the matter is disposed of.

7. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson