

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

Ref. F.11(396)/DERC/2008-12/

Petition no. 17/2011

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

AND

In the matter of :

Nand Kishore
Gali No.3, Pole No. 33,
Libass pur,
District Badli, Delhi

...Complainant

VERSUS

NORTH DELHI POWER LTD.
Through its: CEO
Hudson Lines, Kindgs way Camp,
Delhi – 110009

....Respondent

Coram:

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

ORDER

(Date of Order: 03..08.2011)

1. Sh. Nand Kishore who is Resident of Gali No.3, Pole No. 33, Libass pur, District Badli, Delhi has filed complaint having petition No. 17/2008 on dated 16.08.2007 before the Commission under section 142 of EA, 2003 for violation of Regulations of Supply Code and provisions of Act.
2. From a perusal of the above complaint and reply filed by the Respondent company i.e, NDPL, it has been found that the above complainant relates to billing dispute of the complainant, redressal of which lies with the CGRF constituted under the provisions of Section 42(5) of the above Act, which states as under : -

"42(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licensee, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission."

This action of the Complainant to approach the Commission under Section 142 of Electricity Act, 2003 has been categorically dealt with by the Hon'ble Tribunal for Electricity in the Appeal No. 220 of 2006 titled M/s Polyplex Corporation Ltd. Vs. Uttranchal Power Corporation Limited & Ors. Wherein they have held on, whether a Regulatory Commission has the jurisdiction to deal with the subject matter of the petition viz a billing dispute, filed before it. In para 22 and 23 of the said judgment, the Hon'ble Tribunal has held that:-

"...it is clear that neither under Section 61 of the Act nor under Section 86 thereof, the state Commission has been empowered to deal with billing matters. We have not been referred to any other provision of the Electricity Act, 2003 which authorizes the State Regulatory Commission to deal with such matters."

Further, Para 34 of the said judgment clearly states that

"No petition/appeal/application lies before any Regulatory Commission or this Tribunal in respect of a billing matter."

As the Complainant has already filed an application before the concerned CGRF, therefore, he is directed to approach the same for early redressal of his grievance.

In view of facts stated above, the Commission is of the considered view that the above complaint is not maintainable in the Commission and hence dismissed for lack of jurisdiction.

3. Ordered accordingly.

Sd/-
(J. P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P. D. Sudhakar)
CHAIRMAN

