

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

No. F. 11(437)/DERC/2007-08

Petition No. 57/2008

In the matter of: Complaint under Section 142 of the Electricity Act, 2003 for violation of the Provisions of Electricity Act read with Rules & Regulations framed by the Commission.

In the matter of:

Nathan Choudhary

Shop no. 32,

Rajendra Market,

Tees Hazari

...Complainant

VERSUS

NORTH DELHI POWER LTD.

Through its: CEO

Hudson Lines, Kindgsway Camp,

Delhi - 110009

...Respondent

Coram:

Sh. P.D. Sudhakar, Chairperson, Sh. Shyam Wadhera, Member

& Sh. J.P. Singh, Member

Appearance:

1. Sh. V.K. Goel, Advocate of Petitioner
2. Sh. O.P. Madan, Advocate of Petitioner
3. Sh. Nathan Choudhary, Petitioner
4. Sh. K.L. Bhayana, Advisor, NDPL
5. Sh. O. P. Singh, Sr. Manager, NDPL
6. Sh. K. Datta, Advocate

ORDER

(Date of Hearing: 10.05.2011)

(Date of Order: 21.07.2011)

The Complainant has filed the present complaint under Section 142 of the Electricity Act, 2003 for violation of Regulations framed by the Commission.

The facts of the case are as under:-

1. That the complainant is a user of Electricity Connection K. No. 31201142366 having sanctioned load of 6.59 KW. That the complainant before approaching this Commission filed a complaint before the CGRF-NDPL which was decided on 12.7.2007 with the following directions:
 - (i) A sum of Rs.66,433/- as worked out at the time of issuing of the adjusted bill up to the reading of 16130 recorded on 24.12.2003, is payable by the consumer.

- (ii) The assessment period should be restricted for six month period i.e. 22.8.2005 to 22.2.2006 on the basis of average consumption recorded during the period 22.2.2006 to 28.8.2006 as consumption recorded prior to the assessment period cannot be relied upon.
 - (iii) The remaining period i.e. 25.12.2003 to 21/8/05 should be charged on minimum/fixed charge basis.
 - (iv) There is no dispute about the consumption recorded by the new meter installed on 22/2/2006 till the disconnection of supply in March, 2007 which should be charged as per actual consumption basis.
 - (v) As regards the levy of late pay surcharge, the same levied from 24.12.03 till the issue of the first bill after replacement of the meter on 22.2.2006 is waived off.
 - (vi) The bill of the consumer be revised in line with the above, latest by 31.7.07. The supply against the connection be restored as per rules on receipt of 50% of the amount which becomes due, as per the revised bill. The balance amount shall be deposited by the consumer in four equal monthly instalments alongwith current demand raised from time to time.
2. The grievance of the complainant in this Petition is that
- (i) the Respondents have not revised the bill in terms of the order passed by the CGRF but, have raised a bill for an amount of Rs.4,59,380/- in violation of the above order.
 - (ii) The Respondent is delaying the re-connection of supply of the Complainant.

3. The Respondent in their reply have submitted that they duly complied with the Order of the CGRF in terms of their order dated 18.09.2008. The bill of the Complainant was duly revised to Rs.4,59,387/- as against the amount of Rs.7,96,328.57. The Respondent has also installed the electricity meter in the premises of the Complainant on payment of 50% of the bill amount. They have further submitted that the Complainant has made default in making payment of the balance 50%.
4. Sh. V. K. Goel, Counsel for the Petitioner, submitted that the Respondents have not revised the bill in compliance with the order of the CGRF dated 12.07.2007. He further contended before the Commission that the representatives of the Respondent have been harassing the Complainant by giving threat of disconnection of supply.
5. Sh. Krishnendu Datta, Counsel for the Respondent, on the other hand submitted that the bill has been revised strictly in compliance with the order of the CGRF. He further contended that the Complainant is not making payments against the current demands. Sh. Datta further stated that some cheques issued by the Complainant were dishonoured and even criminal proceedings are pending against him before the Court of Metropolitan Magistrate at Rohini. However, the Complainant was able to show that he has subsequently made payment in respect of bills pertaining to current demand.
6. The Commission initially heard the matter on 16.09.2008 and passed an interim order dated 18.09.2008, wherein the Commission issued a direction to the respondent company to file reply on merit giving therein the details of the calculations on how it arrived at the demand raised against the complainant. The Commission further directed not to disconnect the

supply on payment of current demand (excluding the demand in dispute).

7. The Commission heard the matter at length on 10.05.2011. On the basis of submissions filed and averments made by both parties at the time of hearing and on the basis of the available record in the Commission, the Commission noted the following issues for consideration in the present case:-

- 1) Whether the Respondent has failed to comply with the order dated 12.7.2007 passed by CGRF in violation of Regulations 11 of CGRF.
- 2) Is this purely a billing dispute case which does not fall with the jurisdiction of the Commission.

Issue No. 1 The petitioner alleged that the respondent did not comply with the order of CGRF which is a violation of Regulation 11.

Regulation 11 is as under:-

"The order of Forum to be binding – Subject to the right of the representation before the Ombudsman specified in these Regulations, the Orders of the Forum shall be binding on the consumers and the licensee."

8. The licensee has failed to adhere to time limit prescribed by the Hon'ble Forum's order dated 12.07.2007, wherein in the last concluding para the Hon'ble Forum had directed the respondent to revise the bill latest by 31.07.2007. However, the licensee or the respondent revised the bill on 23.10.2007 (please see para-7 of the reply filed by respondent in the Commission on dated 17th Dec. 2008). Therefore, there was a delay of

approx. 3 months in revising the bill. If respondent NDPL could not issue the bill in time prescribed by the CGRF then they should have requested the Forum for seeking more time, which was not done. Therefore, there is a clear cut case of violation of Regulation 11 of DERC (Guidelines of Establishment of Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003 to the extent of failure to adhere to the time limit as desired by the CGRF.

Issue No.2 The question of whether revision was correct and in conformity with the directions given by the CGRF or not, does not fall under the preview of the Commission as it amounts to a billing dispute over which the Commission has no jurisdiction. The above issue falls under the jurisdiction of CGRF who have been constituted under the provisions of Section-42(5) of Electricity Act – 2003 and a person who is not satisfied order of CGRF can file appeal before ombudsmen constituted under Section-42(6) *ibid*. Therefore, the complainant should have approached the ombudsmen in appeal, if he was not satisfied by the bill revision done by the licensee. Therefore, no finding has been made on this issue.

In view of the above the respondent is found guilty of violation of Regulation-11 of above Regulations *ibid* for which the Commission imposes penalty of Rs.5,000.00 on the respondent NDPL under the power vested with it under Section 142 of the Act.

12. Ordered accordingly.

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