

Delhi Electricity Regulatory Commission

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

Ref. F.11(760)/DERC/2011-12/C.F.No. 3261/383

Petition No. 74/2011

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

AND

In the matter of :

Parmod Kumar Nagpal
S/o Sh. Hem Raj
3807, Sarai Phoos, Tis Hazari,
Delhi-110 054

...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;
7. Sh. Parmod Kumar Nagpal, Complainant.

ORDER

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

1. The instant complaint has been filed by Sh. Parmod Kumar Nagpal under section 142 of Electricity Act, 2003, against the wrong, illegal and arbitrary action of the Respondent in transferring the dues for a sum of

Rs. 1,06,615/- pertaining to disconnected connection bearing K.No. 35100301553 registered in the name of Sh. G.D. Bhatia against the live connection of the complainant bearing K.No. 31704203116 installed at Shop No. 3807, Sarai Phoos, Tis Hazari, and Delhi -110 054.

2. The brief matrix of the case is that the dues of Rs. 1,06,615/- pertaining to disconnected connection bearing K.No. 35100301553 registered in the name of Sh. G.D. Bhatia relate to the period 2006 and were transferred to the live connection of the complainant.
3. The above action was followed by issuance of a notice under Regulation 49(ii) of Supply Code dated 30.12.2004 by the Respondent, stating therein that the connection bearing K.No. 35100301553 registered in the name of Sh. G.D. Bhatia stands disconnected due to non payment of alleged dues of Rs. 94,849/- and the said dues are being transferred to his live connection bearing K.No. 31704203116 unless he immediately stops the illegal and unauthorised extension of supply.
4. The above assertion of the Respondent was refuted by the complainant vide his reply dated 08.04.2011 but the Respondent did not consider his reply and subsequently did not withdraw the dues notice. Against the above, complainant filed a complaint in CGRF vide CG No. 3624/7/2011. In the course of hearing on 23.10.2011 CGRF directed to re-inspect the site. As per inspection report it was informed to CGRF that the supply of K.No. 31704203116 is being used in godown and connection bearing K.No. 35100301553 was disconnected from the same premises. Since the premises are the same, the dues are payable by the complainant. Then the complainant agreed to pay the principal dues of Rs. 65,373/- in two equal instalments.

5. Based on the above assertion and agreement the CGRF concluded that the bill of the complainant be revised after waiving of the LPSC and the complainant shall make the payment of revised bill in two equal instalments along with the current demand, which were deposited by the complainant vide cheque no. 506355 for Rs. 60,225/- dated 17.12.2011.
6. The complainant has prayed for imposing a penalty on the following grounds:
 - (i) In the instant case the Respondent has failed to ascertain that there are any pending dues against this premises at the time of issuing new connection, so, any pending dues subsequent to 4 yrs. against the same premises are illegal.
 - (ii) While transferring the above dues, the Respondent has failed to issue Speaking Order.
7. In support of the above, the complainant filed the instant complaint filed on 28.12.2011 in the Hon'ble Commission.
8. The Respondent filed a reply in the Commission on 20.01.2012. In its reply, it has sought dismissal of the above complaint on the ground that the above issue has already been decided by the CGRF and in case the complainant is not satisfied with the decision of the Ld. Forum it ought to have challenged the issue before the Ld. Ombudsman in accordance with the Regulation 9(12) of CGRF and Ombudsman Regulation, 2003.
9. The above matter was listed for hearing on 20.03.2012 in the Commission, where in above representatives of both the parties were present. The Commission, after hearing both and taking into account the available record placed before the Commission decides that since, the CGRF has already decided the above issue wherein, it has upheld the action of the Respondent and the same has also been complied with, therefore, there

is nothing left to address. The Commission cannot be an Appellate body against the order of CGRF. The order of the CGRF is binding under Regulation 11 of the DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003.

- 10. Therefore, the instant complaint is disposed off on the basis of the compliance of CGRF order and facts as stated above.
- 11. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON