

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017**

No. F. 11(792)/DERC/2011-12/3376/4723

**Petition No. 12/2012**

**In the matter of:**     Petition under Section 142 of the Electricity Act, 2003

**In the matter of:**

Mohd. Parvez  
S/o Sh. Abdul Hakim  
R/o J-40, Kh. No.278  
Gali No.8, Chouhan Banger  
Delhi-110053

**...Petitioner**

**Versus**

M/s BSES Yamuna Power Ltd.  
Through its : CEO  
Shakti Kiran Building  
Karkardooma  
Delhi-110092

**...Respondent**

**Coram:**

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

**Appearance:**

1. None for the petitioner
2. Sh. Manish Srivastava, Counsel for the Respondent
3. Sh. P K Mahur, Legal Officer for the Respondent
4. Sh. Ajeet Kumar, for the Respondent.

**ORDER**

(Date of Hearing: 22.11.2012)  
(Date of Order: 03.12.2012)

1. The present petition has been filed by Sh. Mohd. Parvez S/o Sh. Abdul Hakim R/o J-40, Kh. No.278, Gali No.8, Chouhan Banger, Delhi-110053 against BSES Yamuna Power Ltd. under section 142 of the Electricity Act, 2003 for violation of procedures laid down in Regulation 49 (2) of DERC Supply Code and

Performance Standards Regulations, 2007, while transferring the dues of Rs.1,10,890/- of another connection in the name of Mohd. Ali on the same premises which he has purchased from Mohd. Anees S/o Mohd. Haneef & Mohd. Atik Ahmed S/o Leek Ahmed.

2. Notice of the petition was issued to the respondent on 27.03.2012 to file its reply.
3. The Respondent has filed its reply vide their letter dated 22.06.2012 wherein it has been submitted that the Petitioner has approached this Commission with unclean hands and has concealed the material fact that the issue as raised under the present complaint has already been decided by the Consumer Dispute Redressal Forum, North East, Nand Nagari, Delhi in favour of respondent vide order dated 31.01.2012.
4. The Respondent has further submitted that the complainant has concealed the fact that the petitioner had filed a consumer complaint under Consumer Protection Act, 1986 bearing Consumer Complaint No.149 of 2011 before the CDRF, Nand Nagri, Delhi and after hearing the parties, the CDRF has dismissed the complaint vide its order dated 31.01.2012 and upheld that the respondent is entitled to transfer the dues against the electricity connection as per law.
5. It has further submitted that the Commission has no jurisdiction under Section 142 of the Electricity Act, 2003 to reverse the dues transferred upon the connection of the petitioner as the same has been upheld by the Consumer Dispute Redressal Forum. It has also submitted that the present petition is barred by the principle ***res-judicata***.
6. From the perusal of the record, it has been observed that the basic grievance of the petitioner is that the respondent has included an amount of Rs.1,10,890/- in the bill of the petitioner towards his electricity connection and subsequently disconnected the supply of the electricity without serving any notice under Section 56 (1) of the Electricity Act, while taking action under Regulation 49 (2) of DERC Supply Code 2007.

7. Since, the above dispute relates to a billing dispute, the petitioner was required to seek the redressal of his grievance before the CGRF, under Section 42 (5) of the Act or before CDRF, under Section 42 (8) of the Act. In the instant case, the petitioner opted to seek redressal of his grievance before CDRF by filing Complaint No.149 of 2011 and CDRF after taking into consideration the issues raised by him, which include non issuing notice under Section 56 (1), upheld the action of the respondent.
8. It is clear that the issue raised by the petitioner before this Commission is akin to the issues raised by him before the CDRF wherein the said forum has upheld the action of the respondent. Therefore, the same issue cannot be reagitated again before this Commission, as the Commission is not an appellate authority against the order of the CDRF, which in the present case is the State Consumer Dispute Redressal Commission. Therefore, the above complaint of the petitioner is not maintainable before the Commission and is dismissed.
9. Ordered accordingly.

Sd/-

(J. P. Singh)  
Member

Sd/-

(Shyam Wadhera)  
Member

Sd/-

(P. D. Sudhakar)  
Chairperson