

# **Delhi Electricity Regulatory Commission**

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

Ref. F.11(647)/DERC/2010-11/C.F.No. 2784/207

## **Petition No. 81/2010**

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

**AND**

**In the matter of:**

M/s Shiva Alloys Pvt. Ltd.  
Through its **Director Sh. Madan Kant**  
D-2, SMA Industrial Area,  
G.T. Karnal Road,  
Delhi-110 033

**...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. O.P. Singh, Sr. Manager, TPDDL;
3. Sh. Ajay Kalsi, Company Secretary, TPDDL;
4. Sh. Manish Srivastava, Advocate, TPDDL;
5. Sh. Gautam Jay Prakash, Manager, Legal, TPDDL;
6. Sh. K. Datta, Advocate, TPDDL;
7. Sh. Rajeev Chauhan, Advocate, on behalf of complainant.

## **ORDER**

Date of Hearing: 13.03.2012  
(Date of Order: 12 .04.2012)

1. The instant complaint has been filed by M/s Shiva Alloys Pvt. Ltd. (Through its Director Sh. Madan Kant), D-2, SMA Industrial Area, G.T. Karnal Road, Delhi-110 033.

2. The brief matrix of the case is that:
  - i. During 1991 to 18.05.2011 the predecessor of TPDDL, the Delhi Vidyut Board raised an incorrect demand on the complainant which was disputed and after prolonged hearings the issue of incorrect billing was decided on merit by the TPDDL and Delhi Power Company Limited. According to that an amount of Rs. 9,00,137/- was found refundable to the petitioner as on 18.05.2001 as per DPCL letter dated 19.06.2008.
  - ii. Accordingly the TPDDL vide its letter dated 28.08.2008 allowed him the refund of Rs. 9,00,137/- in his monthly bill for August 2008. However, in the bill of October 2008 the Respondent again charged the above amount of Rs. 9,00,137/- as arrear, which was already withdrawn in August 2008 bill as per the DPCL letter dated 19.06.2008. Hence the action of the Respondent is against the order of the Supreme Court as well as the decision of TPDDL and DPCL communicated vide DPCL order dated 19.06.2008.
3. In reply to the above allegation the Respondent while challenging the jurisdiction of the Commission has submitted that such billing disputes of aggrieved consumers come within the ambit and jurisdiction of the "DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003, and conform to the definition of the term complaint as per regulations 3 (f) of the CGRF Regulations, 2003 read with the Regulations 3(k) and 3(l). Therefore, the above complaint should be dismissed for lack of jurisdiction.
4. The above matter was listed for hearing on 13.03.2012 in the Commission which was attended by above mentioned officials on behalf of the Respondent whereas Sh. Rajeev Chauhan, Advocate appeared on behalf of the complainant. After hearing the above and on the basis of

the documents/records available with the Commission it has been observed that:

- i. The complainant is seeking refund of his amount which he had deposited against a bill raised by the Respondent company and that amount related to the pending dues of DVB period.
  - ii. As per petitioner the issue of pending dues of DVB period has been shown decided by the Hon'ble Supreme Court in favour of debtors of erstwhile DVB and subsequently the same issue has also been decided by DPCL in favour of the plaintiff and the same has not been given effect to by the Respondent. However, no copy of the above judgement has been placed on record.
  - iii. Since the instant dispute in between consumer and DISCOMS relates to refund of billed amount pertaining to DVB period and deposited by the complainant, this is covered under the transfer scheme and more importantly relates to a billing dispute; therefore, in the instant case for recovery of his dues the plaintiff has two remedies available as per law i.e.
    - a. The complainant can file civil suit against the Respondent for recovery of above dues and/or
    - b. The complainant can also approach concerned CGRF for addressing his grievance relating to billing dispute.
5. As far as the Commission's jurisdiction to adjudicate cases under section 142 of the Electricity Act, 2003 is concerned, the Commission only has jurisdiction to intervene in cases where it finds any violation of provisions of law mentioned in the above section *ibid*.
6. As no such violation has been cited by the complainant in the instant petition therefore, the instant petition is disposed off with the direction that

the plaintiff may seek redressal of his grievance before CGRF as suggested above.

7. Ordered accordingly.

Sd/-  
(J.P. Singh)  
MEMBER

Sd/-  
(Shyam Wadhera)  
MEMBER

Sd/-  
(P.D. Sudhakar)  
CHAIRPERSON