Delhi Electricity Regulatory Commission

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

Petition No. 59/2006

In the matter of:

Sh. Sunil Chawla,
AD-130C, Pitampura,
Delhi. **…Complainant**

Through: Shri Ashwani Kumar Gupta, Advocate,
26, Civil Side, Tis Hazari, Delhi.

VERSUS

North Delhi Power Ltd.
Through: its **CEO**
Sub-Station Building,
Hudson Lines, Kingsway Camp,
Delhi-110009. **…Respondent**

Coram:

Sh. Berjinder Singh, Chairman & Sh. K. Venugopal, Member.

Appearance:

1. Sh. Anurag Bansal, Executive-Legal, NDPL.
2. Smt. Anshu Wadhwa, Officer-Legal, NDPL.
3. Sh. Ashok Chandhok, HOD, NDPL.
4. Sh. Bibhu Biswal, Manager -NDPL.
5. Sh. O. P. Singh, AM, NDPL.

ORDER

(Date of Hearing: 26.06.2007)
(Date of Order: 09.07.2007)

1. The Complainant is stated to be the user of the electricity connection bearing K. No. 34100173763T (for domestic purpose) registered in the name of Sh. P. L. Rahlan, the erstwhile owner.

2. The grievance of the Complainant is that the Respondent conducted inspection of the electricity connection installed at his premises and booked him for a DAE case on 12.07.2006. The Respondent was required to calculate the connected load as per the prevailing season after giving mandatory tolerance of 5% in the connected load in accordance with Regulation 2(f) of the DERC (Performance Standards – Metering & Billing) Regulations, 2002. The Complainant has also invoked Clause 8.3.2 of the Tariff Order for the year 2005-06 for the load of water pump etc.

3. The Complainant has challenged the Speaking Order dated 23.10.2006 passed by the Respondent on the ground that it was against the Regulations of DERC, on the basis of which a DAE bill was raised against him for the period from 13.01.2006 to 12.07.2006.

4. The Complainant also filed a Civil Suit challenging the DAE bill before the Court of Civil Judge, Tis Hazari, Delhi.

5. In the present Petition the Complainant is seeking mainly the following relief:

a) To direct the Respondent to follow Regulation 2(f) of the DERC (Performance Standards – Metering & Billing) Regulations, 2002;
b) To direct the Respondent to segregate the cooling load of the petitioner and to give the mandatory tolerance of 5% in the alleged connected load as mentioned in the inspection report dated 12.7.2006;
c) To direct the Respondent to take the connected load of energy consuming apparatus only from the date of their purchase/installation, if the same falls within the relevant seasonal period and to follow Regulation 26(ii) of the above Regulations and further, to impose a fine of Rs.1 lakh on the Respondent.

6. The Respondent in their reply have submitted that the Ld. Civil Court vide Order dated 23.12.2006 directed the Complainant to deposit 75% of the DAE bill amount, against which the Complainant filed an Appeal before the Senior Civil Judge. However, the matter was amicably settled between the parties. Accordingly, the Ld. Additional District Judge, Delhi vide his Order dated 09.02.2007 had disposed of the matter as settled.

7. The Respondent have submitted that the issues raised by the Complainant before the Commission and those before the Civil Court, are the same, which have already been settled amicably. Sh. Ashok Chandhok, HOD, NDPL, has, therefore, prayed for dismissal of the Petition. There is no one present from the Complainant's side.

8. The Commission has perused the Order of Additional District Judge dated 09.02.2007, where it has been recorded from the Appellant's (Complainant) side that, "the matter has been settled for a sum of Rs. 1,15,000/- as full and final settlement. Settlement has been arrived at

voluntarily without any force or coercion. I shall pay the settlement amount in six equal monthly instalments. The first instalment shall be paid within a fortnight. I be permitted to withdraw the present appeal as settled." Accordingly, Ld. Additional District Judge had allowed withdrawal of the case as the matter was settled amicably.

9. Considering the contents of the Order of Ld. Additional District Judge and amicable settlement of the dispute between the parties, the Commission decides to dismiss the Petition being infructuous.

10. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN