

Delhi Electricity Regulatory Commission

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

No. F. 11(395)/DERC/2007-08/C.F.No. 1237/5560

Petition No. 16/2008

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

And

Tilak Raj Bajaj
A-3/63-64, Sector-15,
Rohini,
Delhi-110 085.

...Complainant

VERSUS

North Delhi Power Ltd.
Through: its CEO
Sub-Station 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. Ajay Kalsie, Co-Secretary, NDPL;
2. Sh. O. P. Singh, Sr. Manager, NDPL;
3. Sh. Manish Srivastava, Advocate, NDPL.

Order

(Date of Hearing: 06.09.2011)
(Date of Order: 02.01.2012)

1. The hearing in the above matter was held on 06.09.2011, which was attended by the above mentioned officers of the Respondent. However, no one appeared on behalf of the complainant.

2. The brief facts of the case are that the above complainant stated to have filed a Petition No. 37/2006 with this Commission which was disposed off, in view of the settlement reached between parties in terms of Memorandum of Agreement dated 04.04.2007 vide order dated 23.4.2007. Under this settlement the distribution licensee undertook to withdraw the DAE case as per the download data taken in March 2007 and inspection date 13.02.2006.
3. The Complainant again filed a complaint before the commission on 13.08.2007 stating that the DAE case is still pending inspite of undertaking given by the Respondent at the time of earlier settlement and withdrawal of the complaint. Therefore, it is a betrayal on the part of the Respondent who is acting in violation of the Commission's Order dated 23.4.2007.
4. The Respondent in his reply has agitated the case on the ground of jurisdiction of the Commission.
5. The Respondent filed an affidavit on 06.09.2011 in the Commission stating that the above matter has been amicably settled in between the both parties, during the pendency of the proceedings in the Commission. In support of the same, it attached a copy of the memorandum of settlement, duly signed by the both parties for ready reference to the Commission and requested the Commission to dispose off the above complaint in light of the above.
6. As per memorandum of settlement the parties agreed to as under:
 - (i) That on the settlement reached between the parties, the dispute in respect of K.No. 43505052832 on the account present case stands settled. As per settlement, respondent will waive off the 30% surcharge on fixed charges basis on MDI reading (prior to earlier settlement dated 04.04.2007).

- (ii) That date of reduction of Load will be treated as 29.06.2007 (date of request of load reduction), instead of 17.09.2008; accordingly fixed charges will be reversed. Also interest at the rate of 6 %(PA) will be given on difference on CD amount w.e.f. 29.06.2007 to 27.10.2008 (date of adjustment in K.No. account).
 - (iii) That as such the complainant hereby undertakes to withdraw the complaint filed under Section 142 of the Electricity Act, 2003 which is pending before the Hon'ble Commission.
 - (iv) That no fresh application/petition/complaint shall here in after be filed by the complainant on any such issue which formed the subject matter of the above complaint.
7. In view of the above foregone submission and amicable settlement of the above dispute and withdrawal of the complaint as per memorandum of agreement, the Commission disposed off the above complaint as amicably settled and withdrawn.
8. Ordered accordingly.

Sd/-
(J. P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P. D. Sudhakar)
CHAIRPERSON