

CONSUMER GRIEVANCE REDRESSAL FORUM

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)-For BRPL area

Sub - Station Building, Sector - V, Pushp Vihar,

(Near Saket Court Complex) NEW DELHI - 110017

Phones: 8468952631, 8468935702 TELEFAX: 29564400

Email: cgrfbrpl@gmail.com

No: CG -129/2019/F1/..28.

Dated : 23/1/2020

M/s Ashoka MAP Company
E-44/6, OIA, Phase 2,
NEW DELHI - 110020


Subject: - Redressal of Grievance by the Forum

Dear Sir / Madam,

1. Any complainant, aggrieved by orders of the Forum may himself/herself or through his authorized representative make a representation in writing to the Ombudsman with triplicate sets of application.
2. The representation shall state clearly:
 - (i) The name/s and address of the consumer/s, service connection number, category, the name of the local licensees' office, against which the representation is made, the facts giving rise to the representation, the grounds thereof, the relief sought from the Ombudsman.
 - (ii) The name of the Forum, date of order or decision of the Forum shall, as the case may be mentioned in or enclosed with the representation.
3. No representation to the Ombudsman shall lie unless:
 - (i) The consumer had before making a representation to the Ombudsman approached the Forum constituted under Section 42 (5) of the Electricity Act, 2003 for redressal of his grievance;
 - (ii) The representation is made within one month from the date receipt of the order of the Forum:

Provided that the Ombudsman may entertain a representation beyond one month on sufficient cause being shown by the person filling the representation that he had sufficient reasons for not filling the representation within the aforesaid period of one month.

- (iii) The person filling the representation deposits an amount equal to one third of the amount assessed by the Forum in cash or by way of bank draft with the licensee and documentary evidence of such deposit is enclosed with the representation.


SECRETARY 23/1/2020

Encl: Certified copy of order (04pages)

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CG – 129/2019

In the matter of :

M/s Ashoka MAP Company

E – 44/6, OIA, Phase 2,

NEW DELHI - 110020.

.... Complainant

Versus

BSES Rajdhani Power Ltd.

BSES Bhawan, Nehru Place,

NEW DELHI - 110019.

.... Respondent

Coram:

- | | | | |
|----|--------------------|---|--------------|
| 1. | Mr. Atul Nigam | - | Chairman |
| 2. | Mrs. Nirja Ahuja | - | Member (L) |
| 3. | Mrs. Monika Taneja | - | Member (CRM) |

Appearance:

Complainant:

1. Shri O. P. Ahuja, Authorized Representative of the complainant

Respondent :

1. Shri Sunil Singh, General Manager, Division – KCC
2. Shri Rajesh Kr. Gupta, Nodal Officer, Nehru Place

(Date of Hearing: 08.01.2020)

(Date of Order: 13.01.2020)

ORDER

Case of the complainant is that the complainant was sanctioned load of 74.60KW under tariff schedule S.I.P. Respondent through Assistant Engineer Zone 1801 visited the premises of the complainant on 09.09.2003 and it was alleged by the officer concerned that the meter box seals were fictitious, the connected load of 189.891KW was found installed against the sanctioned load of 74.6KW and that the fraudulent abstraction of

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electricity was suspected. Complainant further stated that the Assistant Engineer Zone 1801 was not the competent officer to conduct the inspection and make allegations as serious as D.A.E. because of the reason submitted as under:-

- i) That D.A.E. cannot be conducted by breaking open tempering of the meter box D.A.E. is possible through the C.T. box and not the meter box. The suspected tampered meter was not replaced.
- ii) That the joint team can levy the allegations of D.A.E. by corroborating the consumption pattern of consumer as per Regulation 26(ii) of D.E.R.C.'s regulations, which was not followed.
- iii) That the so called tampered meter could have been disconnected from the supplies and the supply to be restored through new meter as per regulation 26(vi) of D.E.R.C.'s supply code 2002, this was not followed.

Complainant further stated that the Enforcement Department, as follow up action, on the inspection report of A.E. (Zone), without verification for the consumption pattern of the complainant, raised D.A.E. bill amounting to Rs. 15,97,098/- payable by 09.09.2003. Complainant stated that here again the respondent committed another error whereby the credit for the payments already received for the D.A.E. period was not given.

Complainant being aggrieved by the allegations and faulty line of action filed the Petition in the court of P.L.A. 99 vide case no. 1112/2003. P.L.A. II, set aside the allegations of D.A.E. and advised the respondent for revision of tariff from SIP to LIP. It was further ordered that the complainant be given adjustment of on account paid amount of Rs. 3,20,000/-. The respondent did not comply with orders dated 19.09.2003 of PLA II.

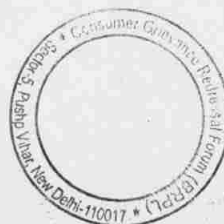
Thereafter, protracted correspondence with the respondent for refund of said amount having gone un-answered, complainant filed complaint of non-compliance of the orders of PLA II. On re-examination of the matter and to know about the status of the respondent of the meter testing laboratory in the year 2007, PLA II vide orders dated 01.09.2007 reiterated to drop the allegations of D.A.E. and to make settlement of Rs. 3,20,000/- towards LIP charges.

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Since no action was taken by respondent as directed by PLA, Complainant filed the present complaint before us and prayed that the respondent may be ordered to settle the complaint of the complainant which has remained unattended for over 16 years. It is further prayed that the respondent may be ordered to plug the omission and set right the bills for the entire period of 09.03.2003 to September 2017 as per the provision of respective tariff orders.

On notice respondent appeared and filed their reply before us.

Respondent submitted their reply dated 07.01.2020 that they wish to bring to the kind notice of the Hon'ble Forum that the necessary action is being taken at their end in accordance to the PLA order in case no. PLA-II/1112/2003 dated 01.09.2007. Respondent further submitted that the implementation of any court order is not under jurisdiction of Hon'ble CGRF.

We have heard the parties and have also gone through the record available in the file. Complainant has approached the Forum for implementation of the order dated 01.09.2007 passed by PLA. The Forum after hearing both the parties have observed that the said complaint is regarding DAE bills and implementation of the order passed by PLA. It is a settled law that the Forum cannot look into the genuinity or correctness of these DAE bills nor can decide any issue arising out of it and also does not have jurisdiction to look into implementation of order passed by any other court / Authority or Forum as is clear from the Regulation 13 of The Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018, which is quoted below:-

“13. Limitation of Jurisdiction of the Forum

- (1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or Forum.

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- (2) The Forum shall not entertain grievances falling under Sections 126, 127, 135 to 139, 142, 152 and 161 of the Act.
- (3) Subject to sub-regulation (1) and (2) above, no grievance shall be rejected by the Forum at any stage, unless the complainant has been given an opportunity of being heard.”

In view of the facts and circumstances, the complaint is regarding an issue on which PLA has passed an order in 2003 and subsequently 2007 and the complainant has approached the Forum for compliance of the order passed by PLA more than 12 years back. As mentioned in forgoing paras, we are of the opinion that Forum is not a competent authority to entertain the said case in which order has already been passed by PLA and also Forum cannot entertain grievances which relate to DAE cases. Therefore, no order is being passed and complainant is at liberty to pursue the matter before the appropriate authority.

Accordingly case of the complainant is disposed off.

Sd/-
(Mrs. Monika Taneja)
Member (CRM)

Sd/-
(Mrs. Nirja Ahuja)
Member (Legal)

Sd/-
(Atul Nigam)
Chairman

