IN THE DELHI STATE CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Institution: 27.07.2024
Date of Hearing: 10.08.2026
Date of Decision: 16.10.2026

FIRST APPEAL NO.-501/2024

IN THE MATTER OF

MR. NITYANAND KHATUA,
S/O. MR. NARAYAN KHATUA,
R/O. HOUSE NO. B-5.,
MAIN ROAD NEAR SAINI DHARAMSHALA,
VILLAGE SHALIMAR BAGH, DELHI-110088.

…Appellant

VERSUS

TPDDL LTD.,
NDPL HOUSE, HUDSON LINES,
KINGSWAY CAMP, DELHI-110009.
THE COMMERCIAL MANAGER,
TPDDL OFFICE, RAM BAGH,
SHALIMAR BAGH, DELHI-110088.

(Through: Mr. Harish Purohit, AR)

…Respondent

CORAM:
HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)
HON'BLE MS. BIMLA KUMARI, MEMBER (FEMALE)

Present: Complainant in person.
Mr. Harshit Purohit. AR of the respondent, Email: consumercare@tatapower-dd1.com

PER: HON'BLE JUSTICE SANGITA DHINGRA SEHGAL, PRESIDENT

JUDGMENT

1. The facts of the case as per the District Commission record are as under:

> *"1. The factual matrix of the present case is that the complainant is consumer of OP and meter bearing no CA.60012926279 has been installed at residential premises of the complainant and complainant has been paying electricity bills regularly. It is stated that OP arbitrarily, illegally and purposely increased the sanctioned load upto 6KW without giving any intimation to the complainant and also used to raise extra fixed charges and energy charges.*
> *2. It is stated that complainant has installed in house 1 AC of 1.5 and used only in summer season. It is stated that complainant received a bill dated 09.07.2019 of Rs.5300/-, arrear energy 8.7 and LPSC 4.15 but unfortunately the sanctioned load shows 6KW. It is further stated that complainant lodged a complaint at Commercial Manager TPDDL, Ram Bagh, Shalimar Bagh on 30.04.2019 by personally visiting reducing the sanction load from 6KW to 3KW. It is stated that in the month of July bill dated 09.07.2019 the consumption unit was 685, fixed charges 1145.97 and energy charges 3251.53.*
> *3. It is stated that OP is extorting money from complainant in a fraudulent manner without following the basic principle laid down by Delhi Electricity Regulation Committee. It is stated that in winter season also did not reduce the connected load*

and raise the bills at 6KW basis and till today no steps taken on the complaint dated 30.4.2019. It is further stated that complainant received bill dated 13.08.2019 of Rs. 12,810/- showing current demand Rs.5684.40, arrears Rs.5305.78, non energy Rs.1508 and LPSC Rs.319.51.

4. It is stated that OP served a notice for disconnection of electricity dated 13.08.2019 and also sending regular threatening text message on the mobile. It is stated that OP has been harassing the complainant by increasing the amount in the name of increasing the sanctioned load so that by hook or crook to grab the money from the complainant. It is stated that OP is involved in illegal and unfair practice of demanding exaggerated amount without any basis and principle.

5. The complainant is seeking direction against OP to revise the bill dated 09.07.2019 and 13.8.2019 by reducing the sanctioned load from 6KW to 3KW, to direct the OP not to disconnect the supply of electricity, to refund the money illegally taken on the sanctioned load of 6KW and to pay compensation of Rs.50,000/- for harassment, pain and agony and also pay cost of litigation.

6. OP filed detailed WS and taken preliminary objection that there is no cause of action in favor of complainant and there is no deficiency of service, therefore, present complaint is not maintainable. It is stated that present complaint is frivolous, vexatious and complainant is suppressing the material facts that earlier a complaint no. 749/2018 filed by complainant which was dismissed in default vide order dated 26.07.2019 and in the present complaint same kind of relief claimed, therefore, present complaint is liable to be dismissed.

7. On merit all the allegations are denied. The OP filed statement of account of electricity connection of the complainant. It is stated that bill no.10103333125 dated 12.07.2018 for amount of Rs.11,178.62 was issued which includes current demand of Rs.5666.67 and load enhancement energy of Rs.5500 towards non energy account in accordance with Regulation 17 (4) of DERC (Supply Code and

Performance Standards) Regulations 2017. It is further stated that this bill was challenged by complainant in case no. 749/2018 and now again challenge. It is stated that the MDI details on the basis of which load was revised to 6KW is MDI of 17.06.2017 8.200KW, MDI of 22.7.2017 6.10KW and MDI of 24.08.2017 5.360KW. It is stated that the MDI shown in the statement of account already filed on record.

8. It is stated that the bill of Rs.5300/- was issued on 09.07.2019 which contains current demand of Rs.5297 and arrears of Rs.8.57 and sanctioned load as 6KW which was revised due to MDI violation. It is stated that in addition to it also shows NTA amount of Rs.1658.13 outstanding due because of pending of case no.749/2018 and bifurcation of bill is self explanatory. It is stated that letter no.CSM(D)SMB/2019-20/58/D/101 dated 16.07.2019 in response of letter of complainant dated 30.04.2019 wherein it was clearly mentioned that matter is subjudice, therefore, action will be taken only after outcome of court case no.749/2018 which was dismissed by hon'ble forum on 26.07.2019.

9. It is stated that the request of complainant for reduction of load was not considered due to the fact that matter relating to load violation was subjudice before this hon'ble forum in complaint case no.749/2018. It is stated that the bill dated 13.08.2019 is showing current demand Rs.5684.40, arrears Rs.5305 for period 06.06.2019 to 08.07.2019, non energy Rs.1508 + Rs.447.24 service line charges and LPSC Rs.319. It is further stated that there is no issue of security amount remained pending of Rs.3400/-. The security amount of Rs.1600 is dated 09.05.2013, Rs.600 dated 27.05.2017 and Rs.1200 dated 14.06.2018. It is further stated that the supply of complainant was not disconnected in compliance of interim order dated 30.08.2019 and complainant has paid Rs.6500/- on 30.08.2019 and paying current demand raised against the regular consumption. It is stated that OP acted in accordance with provisions of law and present complaint is liable to be dismissed.

10. Complainant filed rejoinder to the WS and denied all the allegations made therein and reiterated contents of the complaint. Complainant denied that complaint bearing no.749/2018 was dismissed as default. It is stated that previous complaint was different and based on different facts whereas the present complaint is totally separate one. It is stated that complainant is entitled to all the reliefs claimed in the complaint.

11. Complainant filed evidence by way of affidavit and reiterated contents of the complaint. The complainant relied on original complaint Ex.CWI/1, copy of bill dated 13.08.2019 Ex.CW1/2, copy of notice of disconnection of supply Ex.CW1/3 and copy of receipt of deposit of 50% of bill dated 13.08.2019 Ex.CW1/4.

12. OP filed evidence by way of affidavit of Vishal Mittal Customer Service Manager. In the affidavit contents of WS reiterated. OP relied on copy of order dated 26.07.2019 Ex.DW1/1, copy of statement of account Ex.DW1/2 (colly), copy of letter dated 16.07.2019 Ex.DW1/3 and copy of bill dated 13.08.2019 Ex.DW1/4.

13. Complainant as well as OP filed written arguments."

2. The District Commission after taking into consideration the material available on record passed the order dated **01.07.2024** wherein, it was held as under:

"14. We have heard complainant in person and Sh. Harish Purohit AR for OP and perused the record.

15. As per record it is established that complainant had filed a complaint bearing no.749/2018 which was dismissed in default on 26.07.2019. The complainant has concealded this vital fact from this commission. In the rejoinder it is denied that the facts were seen in the complaint bearing no.749/2018. The complainant failed to file on record the copy of complaint to prove that the present complaint and the earlier complaint based on different set of facts. These facts clearly established that complainant has suppressed the material facts from this commission.

16. It is admitted case of the parties that complainant is registered consumer of CA No.60012926279 installed at residence of the complainant. As per the bill dated 13.08.2019 the sanctioned load is 6KW and arrears of dues is Rs.5684/-, the OP also issued a disconnection notice dated 13.08.2019. The complainant filed another bill dated 09.07.2019 of Rs.5297/-. In this bill also the sanctioned load is 6kW. According to complainant he is aggrieved with the sanctioned load of 6KW shown in the electricity bills. It is not disputed by OP that on 30.04.2019 complainant had filed an application for reduction of sanctioned load from 6KW to 3KW. According to OP no action taken on this application as a complaint case bearing no.749/2018 was pending before this Hon'ble Forum on the same cause of action of load violation. The OP further explained that the load of 6KW has been shown in the records and electricity bill is on the basis of MDI for the month of June 2017, July 2017 and August 2017 and detailed statement also filed by OP on record. The OP also explained the due demand in the electricity bill dated 13.08.2019.

17. The complainant has not disclosed the vital fact that the initial sanctioned load was 6KW or not and since when the load increased to 6KW. It is admitted by complainant in the letter dated 30.04.2019 that the load shown always as sanctioned load as 6KW. The OP has been raising the electricity bills on the basis of sanctioned load of 6KW and the monthly consumption of electricity the load was not reduced as complainant earlier filed a complaint for load violation and the same facts have been suppressed by the complainant. As per material on record complainant failed to establish deficiency of service on unfair trade practice on the part of OP. The complainant is liable to pay the due demand as per impugned bill dated 13.08.2019. As per record complainant had already paid 50% vide order dated 30.08.2019, therefore, remaining 50% is payable by the complainant.

18. On the basis of above observation and discussion we direct the complainant to pay remaining 50% of impugned bill dated

13.08.2019 within one month from the date of receipt of the present order. We direct the OP not to disconnect the electricity supply of the complainant till the compliance of the direction. In case complainant failed to comply the order than OP is at liberty to take action as per law. The OP is directed to initiate process of reduction of load from 6KW to 3KW as per rules and regulations and complainant is directed to comply all commercial formalities for reduction of load. The process of reduction of load shall be completed within one month from the date of receipt of this order by the parties. The present complaint is disposed off accordingly. No order as to cost. File be consigned to record room."

3. Aggrieved by the aforesaid order of the District Commission, the Appellant has preferred the present Appeal contending that the District Commission erroneously directed the Respondent to reduce the sanction load of 6 KW to 3 KW from the date of the impugned order and not from the date of the request of the Appellant to the Respondent to reduce the sanction load from April, 2019. It is submitted that the District Commission erred in not considering that the Respondent collected money from the Appellant using unfair means. Pressing the aforesaid submissions, the Appellant prayed for setting aside the impugned order of the District Commission.
4. The Respondent has filed the Reply to the present Appeal, denying all the allegations of the Appellant and submitted that there is no error in the impugned order as the same was passed after properly scrutinizing the material available on record. It is submitted that the application of the Appellant was not considered due to a pending case as mentioned in a letter dated 16.07.2019. It is further submitted that the Appellant has failed to comply to the order of the District Commission, causing a delay in sanction load reduction. Pressing the aforesaid submissions, the counsel for the Respondent prayed for the dismissal of the present Appeal.

5. Written Arguments of the Appellant are on record, wherein, the contents of the Appeal have been reiterated and the Appellant has relied on the following judgments in support of his case:

    (i) ***Anvar P.V. vs. P.K. Basheer & Ors.*** as reported in ***AIR 2015 SUPREME COURT 180***
    (ii) ***Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal*** as reported in ***AIR 2020 SUPREME COURT 4908***
    (iii) ***Criminal Appeal Nos. 1308-1311 of 2019*** titled ***Ravinder Singh @ Kaku vs. State of Punjab*** as decided on ***04.05.2022***

6. Written Arguments of the Respondent are on record, wherein, the contents of the Reply to Appeal have been reiterated and the AR of the Respondent has relied on the following judgments in support of his case:

    (i) ***Revision Petition No. 809 of 2023*** titled ***H. Wadhwa vs. BSES Rajdhani Power*** decided on ***07.05.2024***
    (ii) ***Writ Petition No. 32216 of 2021*** titled ***M/s. YKM Entertainments and Hotels Pvt. Ltd. vs. SBI*** decided on ***17.01.2022***

7. We have carefully perused the material available on record.
8. The ***main question*** for consideration before us is ***whether the Impugned Order of the District Commission suffers from any impugnity.***
9. On perusal of record, we find that the Appellant has filed his application dated 30.04.2019 for reduction of sanction load from 6 KW to 3 KW, and has sought bills for an amount according to 3 KW for the months of July and August, 2019.
10. Further, total amount of Rs. 50,000/- (Rupees Fifty Thousand Only) has been sought on account of cost of litigation and other charges. At this juncture, we deem it necessary to account for the Appeal of the Appellant wherein we fail to find any reasons that entitle the Appellant for any monetary relief.
11. Moreover, we find that matters of reduction or increment of sanction load require a reasonable time period for the requests to be followed. As per the case

of the Appellant, the relief has been sought regarding merely 2 bills for the period of July and August, 2019. Further, it is a matter of record that the application for reduction of sanction load was filed by the Appellant only on 30.04.2019.

12. From the above discussion, we find no infirmity in the order dated 01.07.2024. Consequently, we are in agreement with the reasons given by the District Commission and fail to find any cause or reasons to reverse the findings of the District Commission. Therefore, we ***uphold*** the order dated 01.07.2024 passed by the ***District Consumer Disputes Redressal Commission-V, North-West District, Govt. of NCT of Delhi, CSC-Block-C, Pocket-C, Shalimar Bagh, Delhi-110088.***

13. Consequently, the present Appeal stands ***dismissed***.

14. Application(s) pending, if any, stands disposed of in terms of the aforesaid judgment.

15. A copy of this judgment be provided to all the parties free of cost as mandated by the Consumer Protection Act, 2019. The judgment be uploaded forthwith on https://e-jagriti.gov.in for perusal of the parties. A copy of this judgment be also sent to the concerned District Commission.

16. File be consigned to record room along with a copy of this Judgment.

(JUSTICE SANGITA DHINGRA SEHGAL)
PRESIDENT

(BIMLA KUMARI)
MEMBER (FEMALE)

Pronounced On: **16.10.2026**

LR-DK