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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 7144/2019, CM Nos. 29766-29767/2019

M/S PODDAR POLYMERS

..... Petitioner

Through: Mr. Rajendra Kumar Tiwari, Adv.

versus

TATA POWER DELHI DISTRIBUTION LIMITED

..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

<u>O R D E R</u>

% **05.07.2019**

<u>CM No. 29767/2019</u>

Exemption allowed subject to all just exceptions.

Application stands disposed of.

<u>W.P.(C) 7144/2019</u>

1. The challenge in the writ petition is to the order dated December 20, 2018 passed by the Consumer Grievance Redressal Forum for TPDDL (for short 'CGRF') and order dated May 10, 2019 of the Electricity Ombudsman, whereby the complaint as well as the appeal of the petitioner were dismissed.

2. Insofar as the order of the CGRF is concerned, the CGRF has, on noting that the petitioner had failed to appear on three dates, by holding that the petitioner is not interested to take the follow up action and has treated the stand of the respondent to be correct, and did not find it appropriate to

initiate any action against the respondent. In the appeal, the Electricity Ombudsman had gone on merits and came to a conclusion that the appeal is without any merit. Suffice it would be to state, the grievance of the petitioner is against an Electricity Bill for an amount of ₹19,13,408/- issued in the year 2014.

3. The facts as noted from the record are, that on March 24, 2004 pursuant to an enforcement inspection against the electricity connection bearing CA No. 60000020416, a bill of ₹19,20,307/- was raised by the respondent. This bill was a subject matter of a Suit before the Court of learned Additional District Judge. It is a matter of record that the parties have settled their dispute qua the bill in the year 2007 and the payment against the said bill, as settled, has been made. Subsequently, a separate bill for ₹19,13,408/- was raised by the respondent in the year 2014. It is the case of the petitioner that it refused to pay the same on the plea that it had already settled all the previous dues, as per the orders of the Court.

4. On the other hand, the case of the respondent was that the bill for ₹19,13,408/- is a separate bill for the arrears of electricity charges. It was also the case of the respondent that other than the aforesaid assessment of ₹19,13,408/- they have raised a demand for ₹1,55,189/- pertaining to the unbilled units charged as per the reading for the period May 07, 2013 to May 27, 2013 and ₹35,669/- pertaining to bill revision on account of tariff revision for the period August 07, 2011 to August 31, 2011 as LIP 400V tariff charged only for the month of violation in August, 2011.

5. Be that as it may, the conclusion of the learned Ombudsman is that the demand raised by the respondent in the year 2004 was for ₹19,20,307/- against the connection, which was duly settled in terms of the order of the

learned Additional District Judge in 2007 and paid by the petitioner herein. The learned Ombudsman has also concluded that the respondent has been showing, continuously, the arrears in the bills of the petitioner since beginning but the petitioner has been making part payment of the bills leaving aside the arrears in most of the months in the previous years and thus the arrears were getting accumulated along with LPSC. This conclusion of the learned Ombudsman is after perusing the bills pertaining to the years 2003, 2004 and 2013-14. The learned Ombudsman had also considered the plea of the petitioner with regard to discrepancies in various bills on account of fluctuating amount of arrears and rejected the same on the ground that the petitioner has not paid the full amount of the bills in most of the months which is bound to have an effect on the arrears of the forthcoming bills. In fact, there is a finding of fact that in some of the months, the petitioner has paid the full current bill amount but has never paid the arrears reflected in the bills and hence never settled the bills fully which ought to change the amount of arrears in the subsequent bills. It is also the conclusion of the learned Ombudsman that the respondent has also given the benefit of pending dues of the DVB period to the petitioner while reconciling the account. Hence, the plea of discrepancies in the bills has been rejected. The learned Ombudsman had also concluded that the demand raised by the respondent for ₹1,55,189/- pertaining to the unbilled units charged as per the readings for the period May 07, 2013 to May 27, 2013 and ₹35,669/- pertaining to bill revision on account of tariff revision for the period August 07, 2011 to August 31, 2011 is in order. The Ombudsman was of the view that the petitioner has not submitted any document to substantiate its plea that the demand of ₹19,13,408/- is wrong and illegal.

6. That apart, a plea of limitation was raised on behalf of the petitioner, which was rejected by the learned Ombudsman. Suffice it would be to state that the aforesaid findings of the learned Ombudsman are findings of fact and the same have been arrived at by thoroughly examining the record. An attempt was made by the learned counsel for the petitioner to make submissions, which are akin to the submissions as made on behalf of the petitioner before the learned Ombudsman. There being a finding of fact that the bill for ₹19,20,307/- was a theft bill, which was settled before the Court of learned Additional District Judge whereas the bill for ₹19,13,408/- is pertaining to the arrears of the past period, this Court is of the view, no interference is called for with the impugned orders in a writ jurisdiction.

7. The writ petition is dismissed. No costs.

CM Nos. 29766/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 05, 2019/*ak*