

**Court-II**

**In the Appellate Tribunal for Electricity, New Delhi**  
(Appellate Jurisdiction)

**IA No.98 of 2016 in DFR No.1534 of 2015**

**Dated : 20<sup>th</sup> May, 2016**

**Present: HON'BLE MR. JUSTICE SURENDRA KUMAR, JUDICIAL MEMBER**  
**HON'BLE MR. T MUNIKRISHNAIAH, TECHNICAL MEMBER**

**In the Matter of:**

**LM/s Print Wizards**

**... Appellant(s)**

**Versus**

**Tata Power Delhi Distribution Ltd. & Anr.**

**... Respondent(s)**

Counsel for the Appellant(s) : Mr. Pardeep Bajaj, Proprietor  
Counsel for the Respondent(s) : Mr. Manish Srivastava for R.1  
Ms. Nooreen Anwar, Mr. Manu  
Seshadri and Mr. Sharad Sharma for  
DERC, R.2

**ORDER**

Heard Mr. Pradeep Bajaj, proprietor of M/s Print Wizards, who is applicant/appellant, before us in person today in IA No. 98 of 2016 in DFR No. 1534 of 2015, praying for waiver court fees.

- 2) Mr. Manish Srivastava, appearing for TPDDL/ Respondent No.1 and Mr. Sharad Sharma, appearing for Respondent No.2/DERC have also been heard IA No. 98 of 2016, has been filed by applicant/appellant, praying for waiver of court fees. This matter contains the facts that the applicant is a tenant in the said property, being No.A-45, Ground Floor, Naraina Industrial Area, Phase-II, New Delhi. The applicant had applied for new permanent electric connection – Non Domestic Light on 23.08.2010 for the said premises and completed all commercial formalities for grant of new permanent electric connection. The opposite parties, respondent/TPDDL (formerly known as North Delhi Power Limited – NDPL) had accepted and issued the Demand Note dated 18.11.2010, for Rs.27,500/- thereby allocating the appellant the new connection number mentioned in the same application. Accordingly, the applicant had deposited the said amount with TPDDL, distribution licensee in Delhi, on 22.11.2010 by the said Demand Draft dated 20.11.2010 and the same was acknowledged by

the distribution licensee towards installation of new permanent electric connection. In spite of having completed all the paper formalities and deposited the entire amount, the distribution licensee had not yet installed the said connection at the said premises for which several letters were also written to the distribution licensee. When the distribution licensee failed to give electric connection to the applicant, the applicant had to file a Civil Suit which is Civil Suit No.5 of 2011 in a Civil Court at Dwarka, Delhi, titled as *Shri Pradeep Bajaj Vs. Sunil Garg & Ors.*, impleading the distribution licensee as Respondent No.2. The Civil Court, vide judgment and decree dated 30.08.2013, decreed suit with certain conditions, as provided in paragraph 51, 52 and 53 of the judgment. The Civil Court passed the decree of mandatory injunction in favour of the applicant directing the distribution licensee who was defendant No.2 in the Civil Suit to install and energize afresh electricity connection in the said premises of the applicant, subject to the conditions mentioned in the said judgment, clearly restraining the other two defendants, being defendant No.1 & 3, claiming to be the owners of the said premises and both of them were restrained by the Civil Court from interfering in the installation of permanent electric connection. Thus, the Civil Court passed a decree removing all the impediments in providing connection to the said premises of the applicant.

- 3) Even after passing of the decree by the Civil Court the said connection was not released to the said premises of the applicant and he had to approach the Consumer Grievance Redressal Forum (CGRF) on 07.05.2014 for grant of compensation as per Section 43(3) of the Electricity Act, 2003. The CGRF for the same distribution licensee, after making many queries, ordered the applicant to approach DERC and hence, the applicant approached DERC by way of filing Petition No.43 of 2014 (Impugned Petition) under Section 142 of the Electricity Act, 2003 for grant of compensation under Section 57 for violation of the provisions of Section 43 of the Electricity Act, 2003, disclosing all the relevant facts. The learned Delhi Commission vide Impugned Order dated 16.06.2015 awarded the compensation of Rs.9,800/- to the applicant and thus distribution licensee was accordingly ordered to pay the said amount.
- 4) The main grievances of the applicant are mentioned in the Impugned Petition and according to the applicant his grievances have not been properly, legally and justly considered by Delhi Commission, hence, he has to file the present

appeal along with the application for waiver of court fees. The distribution licensee, TPDDL, has filed the objections against IA No.98 of 2016.

- 5) After hearing both the parties and going through the matter, we deem it proper to waive court fees in toto and in spite of passing of the decree by the Civil Court, the CGRF has failed in its duty because of the fact that CGRF is appointed by the respondent, distribution licensee. Without making any comments we allow this IA, praying for waiver of court fees and the said court fees is fully exempted. In this view of the matter, **this IA, being IA No. 98 of 2016, is disposed of.**
- 6) We have heard both the parties on the point of admission and it appears to be a fit case for admission. Let the appeal be admitted and there is no need to issue notice to the respondents as they have already put in their appearance before us. The respondents are directed to file counter affidavit/reply to the appeal memo within two weeks from today and rejoinder, if any, be filed within two weeks thereafter.
- 7) Hearing of such kind of appeals should be made on urgent basis because if urgent hearing in such matters is not made then the people are likely to lose confidence in the courts. We hope both the parties would cooperate to decide it on merits without causing unnecessary delay.

Post this appeal for argument on 12<sup>th</sup> July, 2016. Date is being fixed as per the convenience of the parties.

**( T. Munikrishnaiah )**  
**Technical Member**

**( Justice Surendra Kumar )**  
**Judicial Member**

*sh/kt*