
(2011) 01 DEL CK 0123

In the Delhi High Court

Case No : Writ Petition (C) No. 6262 of 2010

Uddam Singh Jain Charitable Trust

APPELLANT

Vs

New Delhi Municipal Council

RESPONDENT

Date of Decision : 11-01-2011

Acts Referred:

Citation : (2011) 01 DEL CK 0123

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Rajesh Banati and B.K. Sahu, for the Appellant; Arjun Pant and Panini Gupta, Executive Engineer (Commercial), NDMC., for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The petition impugns the disconnection of electric supply to the premises of the Petitioner for the reason of the demand of approximately Rs. 10,00,000/- towards arrears of electricity charges. It is the contention of the Petitioner that inspite of earlier dues of electricity having been cleared and a new meter being installed, again arrears were being shown without any explanation. It is further the contention of the Petitioner that the multiplying factor of 1x40 has been applied in computing the electricity charges without any basis.

2. Notice of the petition was issued. The Respondent NDMC has filed counter affidavit to which rejoinder has been filed.

3. It is inter alia the contention of the Respondent NDMC that the Petitioner had agreed to pay the entire amount and by filing the present petition is back tracking. Reliance in this regard is placed on the letter dated 16th March, 2010 of the Petitioner to the Respondent NDMC whereunder the Petitioner had paid Rs. 3,00,000/- and agreed to pay the balance amount in three installments.

4. However since the basis for the demand appeared to be the imposition of the multiplying factor of 1x40 as aforesaid, it was enquired from the Respondent NDMC as to why the said multiplying factor was being applied.

5. The Respondent NDMC in its counter affidavit has stated that the load of the electricity connection of the Petitioner is 80 KW and for all connections of over 30KW, current transformer is to be provided for metering purposes; that the current transformer represents the ratio between the electricity used and the current being read by the meter i.e. if the consumption is of 200 amperes of electricity, the meter would read 50 amperes only requiring the application of the multiplying factor of 40. It is further pleaded that the electricity connection of the Petitioner was earlier provided with a current transformer with a multiplying factor of 2 till December, 2002; thereafter a new meter with multiplying factor of 2/3 was installed and with effect from 14th March, 2008, upon change in meter, the current transformer with a multiplying factor of 1x40 was installed.

6. The counsel for the Respondent NDMC has today in Court handed over the electricity consumption of the Petitioner when the multiplying factor was of 2/3 and when the multiplying factor was of 40/1. From a perusal thereof no unreasonable fluctuation in electricity consumption is found. When the multiplying factor was of 2/3 also, the electricity consumption was varying from 46193 units bi-monthly to 5053 units bi-monthly. Similarly with the multiplying factor of 1x40, the electricity consumption is varying from 34000/- units to 8600 units bi-monthly. The units consumed with the multiplying factor of 1x40 are far below the units consumed during the earlier meter with a multiplying factor of 2/3 and with respect where to no objection at any time was raised by the Petitioner. The Petitioner has not set out any reason for such drastic reduction in consumption of units as reflected in the meter. It is rather not the case of the Petitioner that consumption was reduced.

7. The counsel for the Petitioner has urged that the Respondent NDMC has not disclosed as to why the multiplying factor of 40 is being applied. With reference to the documents handed over by the Respondent NDMC on the last date of hearing, it is shown that Respondent NDMC with respect to different electricity connections in the neighbourhood of the premises of the Petitioner has been using different multiplying factor, without explaining any basis there for.

8. The counsel for the Respondent NDMC under instructions from Mr. Panini Gupta, Executive Engineer (Commercial) who is stated to be a technical person states that the imposition of multiplying factor is dependent upon the current transformer ratio relatable to the sanctioned load and since the sanctioned load of different meters is different, the multiplying factor would also vary.

9. On the basis of the records, no mala fide or arbitrariness in the action of the Respondent NDMC can be found for this Court to interfere. The counsel for the Respondent NDMC has also stated that the Respondent NDMC has also set up a Consumer Grievance Redress Forum (CGRF) u/s 42 of the Electricity Act, 2003 and the Petitioner can approach the said forum for further grievance, if any.

10. Before parting with the matter, it may also be noted that the Petitioner was a tenant in the premises aforesaid and an order of eviction has already been

passed against the Petitioner and the SLP preferred by the Petitioner to the Apex Court was dismissed on 6th October, 2010 granting six months time to the Petitioner to vacate subject to filing the usual undertaking.

The petition is therefore dismissed with no order as to costs.