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Fair Competition
For Greater Good

COMPETITION COMMISSION OF INDIA

Case No. 06 of 2017

In Re:

**Mr. Buddheshwaran Shukla,
A-104-105, UPSIDC Industrial Area,
Sikandrabad, Gopalpur,
Distt. Bulandshahar (U.P.)**

Informant

And

**Executive Engineer,
Electricity Distribution Division-I,
Paschimanchal Vidyut Vitran Nigam Limited,
UPSIDC Industrial Area,
Sikandrabad, Gopalpur,
Distt. Bulandshahar (U.P.)**

Opposite Party No. 1

**Chairman,
Uttar Pradesh Power Corporation Limited,
Shakti Bhawan, Lucknow (U.P.)**

Opposite Party No. 2

CORAM

**Mr. Devender Kumar Sikri
Chairperson**

**Mr. Sudhir Mital
Member**

**Mr. U.C. Nahta
Member**

**Justice G.P. Mittal
Member**



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Order under Section 26(2) of the Competition Act, 2002

1. The present information has been filed under Section 19(1)(a) of the Competition Act, 2002 (hereinafter, “**Act**”) by Mr. Budhshwaran Shukla (hereinafter, the ‘**Informant**’) against Executive Engineer, Electricity Distribution Division-I (hereinafter, ‘**OP-1**’) and Chairman, Uttar Pradesh Power Corporation Limited (hereinafter, ‘**OP-2**’) (collectively referred as the **Opposite Parties/ OPs**) alleging, contravention of the provisions of Section 4 of the Act.
2. The Informant is stated to be the proprietor of M/s Adarsh Hoseiry, situated at A-104-105, UPSIDC, Industrial Area, Sikandrabad, Goplapur, District Bulandshahar (U.P).
3. As per the information available on the websites of Paschimanchal Vidyut Vitran Nigam¹ (PVVNL) and Uttar Pradesh Power Corporation Limited² (UPPCL), PVVNL is a subsidiary company of UPPCL. UPPCL is responsible for planning and managing the power sector in UP through transmission, distribution and supply of electricity.
4. The Informant submitted that he got an electricity connection for running his hosiery unit on 28th June, 2013.
5. It is averred by the Informant that despite regular payment of electricity bills issued by OPs, the Informant received an exaggerated electricity bill of Rs.7,67,122/-for the month of June, 2016. Aggrieved by the alleged inflated electricity bill, the Informant approached the officials of the OPs on 15th June, 2016, but the OPs maintained that the bill sent to the Informant was correct. Accordingly, the Informant was directed to make the payment of the billed

¹ <http://pvvnl.org/general.html>

² <http://www.uppcl.org/en>



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amount failing which his electricity connection would be disconnected. In order to avoid the disconnection, the Informant made partial payment.

6. It is further alleged by the Informant that the said practice of the OPs is illegal and contrary to the provisions of Electricity Supply Code, 2005 (Paragraph 6.15).
7. The Informant has prayed that an injunction be passed against the OPs, restraining them, their agents, associates, servants and representatives from raising the exaggerated electricity bill and disconnecting the supply of electricity. It has also been prayed that the bill paid to avoid disconnection be adjusted in the future bills of the Informant.
8. The Informant has also annexed an application under Section 33 of the Act, stating that such conduct would cause an irreparable loss and injury to the Informant, in case the interim injunction is not granted.
9. The Commission has carefully perused the material available on record. From the facts and circumstances of the present case, the Commission observes that the said dispute between the Informant and the OPs regarding exaggerated electricity bill appears to be an individual consumer dispute rather than a competition concern. Further, no material was provided by the Informant to indicate even remotely the violation of any provision of the Act. Hence, the Commission is of the view that no *prima facie* case is made out against the OPs for violation of either Section 3 or Section 4 of the Act.
10. It is pertinent to mention that the Commission has taken similar stance in respect of previous cases involving individual consumer disputes and closed the same as they were not found to be raising any competition issues. Reference of some of such cases is provided below:

(1) Case no. 17 of 2012, *Sanjeev Pandey vs. Mahindra & Mahindra*;



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- (2) Case no. 32 of 2012, *Subhash Yadav vs. Force Limited and Ors.*;
(3) Case no. 84 of 2015, *Ms. Eena Sethi vs. M/s Sony India and Ors.*;
(4) Case no. 92 of 2016, *Dr. Ravi Bhushan Sharma vs. Toyota Kirloskar Motor Pvt. Ltd.*;

11. In light of the above discussion, the Commission is of the opinion that no *prima facie* case of contravention of the provisions of the Act is made out against the OPs in the matter. Thus, the case is ordered to be closed forthwith in terms of the provisions contained in Section 26(2) of the Act.

12. The Secretary is directed to communicate to the Informant accordingly.

Sd/-
(Devender Kumar Sikri)
Chairperson

Sd/-
(Sudhir Mital)
Member

Sd/-
(U.C. Nahta)
Member

Sd/-
(Justice G.P. Mittal)
Member

New Delhi
Dated: 03/05/2017