



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11 (1948)/DERC/2021-22

Petition No. 64/2021

Under Section 142 of the Electricity Act, 2003

In the matter of:

Sarla Devi

.....**Petitioner**

Versus

BSES Yamuna Power Ltd.

Through its: CEO

.....**Respondent**

Coram:

Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson

Hon'ble Dr. A.K. Ambasht, Member

Appearance:

1. Shri Rakesh Kumar, Petitioner

2. Shri Manish Kumar Srivastava, Advocate for Respondent

ORDER

(Date of Hearing: 21.04.2022)

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1. Heard Shri Rakesh Kumar who appears in person in the matter of Smt. Sarla Devi wife of Late Shri Naresh Kumar. This case has some history. It has been brought to the notice of the Commission that earlier a Petition was filed bearing No. of 01/2015 under Section 142 of the Electricity Act, 2003 which was allowed in favour of the Petitioner and four penalties were imposed upon BYPL, the Respondent. However, the Respondent preferred a Review Petition against the said order which was partly allowed and the Respondent was directed to deposit a sum of Rs. 30,000/- as penalty for three violations. The Respondent has deposited the said amount although it transpires from the record that the said payment was made late.

2. The Petitioner is aggrieved on two counts, firstly that the penalty was not deposited in time as directed by the DERC and no information was ever

given to the Petitioner about imposition of the penalty and its deposition. Secondly the Petitioner has submitted that he is much aggrieved by the inhuman action of the opposite party due to which his brother expired during this litigation. His emotional plea is that the opposite party's action lead to the demise of his brother. We are pained to hear this but we also record that such an emotional plea cannot be taken cognizance of by this Commission in Petition u/s 142 of the Electricity Act, 2003. However, we record our grief over the incident. So far the maintainability of this Petition is concerned, we feel that it is not maintainable according to Law. It is accordingly dismissed. The Petitioner has filed two papers which are supposedly the information given to him by the Joint Secretary of DERC replying his queries under RTI. This also does not help any further in the arguments and maintainability of the Petition. The order of dismissal is maintained. The opposite party are advised to be more courteous and more humane in their approach while dealing with the matter u/s 142 of the Electricity Act, 2003.

Sd/-
(Dr. A.K. Ambasht)
Member

Sd/-
(Justice Shabihul Hasnain 'Shastri')
Chairperson