

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017

F.11(611)/DERC/2010-11/C.F.No. 2574/6208

Petition No. 62/2010

In the matter of: Complaint under Section 142 of the Electricity Act, 2003.

AND

In the matter of:

Ashok Kumar
IX/6429, Mukherjee Gali,
Gandhi Nagar
Delhi.

...Petitioner

VERSUS

BSES Yamuna Power Limited
Through its : **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi-110 092.

...Respondent

Coram:

**Sh. P.D. Sudhakar, Chairperson, Sh. Shyam Wadhera, Member &
Sh. J.P. Singh, Member.**

Appearance:

1. Sh. Pawan Kr. Mahur, Officer (Legal), BYPL;
2. Sh. Sita Ram, DGM, BYPL.

ORDER

Date of Hearing: 24.01.2012
(Date of Order: 08.02.2012)

1. The instant complaint has been filed by Sh. Ashok Kumar, R/o IX/6429, Mukherjee Gali, Gandhi Nagar, Delhi, against respondent BYPL, under

section 142 of the Act, stating that the DAE case booked against the complainant is in violation of Regulation 52 & 53 of the Supply Code.

2. The complainant is a consumer of Respondent having K.No. 1220R7030122, for non domestic purpose with 9 KW sanctioned load,
3. The brief matrix of the case is that on 21.08.2009, the officials of Respondent came to his premises against the complaint made by him for change of the burnt meter. On 12.11.2009, the officials of Respondent again inspected the premises of the consumer and also checked the connected load without intimating any outcome of the inspection. Then consumer received a show cause notice dated 20.11.2009 for DAE against the old meter along with inspection report/load report and was directed to attend personal hearing on 02.12.2009, which was attended by the complainant. Subsequently, a bill for Rs. 4,59,039/- was raised on the consumer.
4. The consumer is alleging that DAE case booked against him is illegal, arbitrary and against the principle of natural justice because as per the lab report, the seals of meter found O.K. and observance of procedures laid down under Regulation 52 & 53 of the Supply Code has not been adhere to.
5. The Respondent in addition to its para wise reply filed in the Commission on 19.08.2010, has also filed an affidavit on 29.09.2011, stating that in the pendency of this case in the Commission, the aforesaid matter had been amicably settled between petitioner and respondent company in October, 2010 and the complainant has paid full payment as per settlement and there is no dispute remains in between both parties.

6. In pursuance of the above, affidavit, Commission issued a letter to the complainant seeking confirmation from him on the above settlement as stated by Respondent and gave 15 days time to file reply. The letter was issued on 07.10.2011. The complainant was also informed through the letter that in absence of his reply, it will be presumed that he is no more interested to press his prayer /grievance and the said complaint shall be treated as amicably settled and withdrawn.
7. However, the Respondent through his covering letter has filed an application dated 29.11.2011 of the complainant, which is addressed to the Commission and has been signed by the counsel of the complainant, wherein, the complainant has sought withdrawal of his present complaint. In the circumstances stated above, while acceding to the request of the complainant for withdrawal of his complaint in terms of amicable settlement and subsequent prayer made by the Respondent for disposed off the above complaint, it has been decided to disposed off the above complaint considered as amicably settled and withdrawn.
8. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON