Delhi Electricity Regulatory Commission

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

F.11 (1347)/DERC/2015-16

Petition No. 07/2016

Under section 142 of the Electricity Act, 2003

In the matter of:

Shri Deepak Saran
37, Chitra Vihar,
Vikas Marg,
Delhi – 110092 **…….Complainant**

VERSUS

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi – 110092 **…….Respondent**

Coram:
Sh. B.P. Singh, Member

ORDER

(Date of Order: 24.07.2017)

1. The instant petition has been filed by Dr. Deepak Saran, under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd. for violation of the provisions of the DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003.

2. In his Petition, the Petitioner had alleged that the Hon'ble Ombudsman vide its order dated 10.12.2014 directed the Discom to take action within 21 days to initiate the process of the shifting of the pole and to carry out the complete exercise within two months thereafter. However, the Respondent had not complied with the Order of the Hon'ble Ombudsman.

3. A show cause notice was issued vide Interim Order dated 05.08.2016, whereby the Respondent was directed to show cause on the prima facie findings of violation of Regulation 22 of DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2003, which provides that "the award or the Orders of the Ombudsman shall be final and binding on the parties".

4. The matter was heard on 11.05.2017, wherein the Respondent submitted that the electric pole in front of the Petitioner's premise has been shifted in compliance with the Order of the Hon'ble Ombudsman. The Commission vide its Order dated 15.05.2017, directed the Respondent to file a compliance report along with a written submission with respect to delay in execution of the Order of the Hon'ble Ombudsman. The judgment was reserved.

5. In the meantime, an email dated 18.05.2017 was received by the Counsel of the Petitioner intimating thereby that the Order dated 10.12.2014 passed by the Hon'be Ombudsman has been complied by the Respondent as the Electric pole has been shifted and sought permission of the Commission to withdraw the above Petition as satisfied.

6. The Respondent has since filed a compliance report on 13.07.2017 in response to the Order dated 15.05.2017 of the Commission. With respect to delay in execution of the Order of the Hon'ble Ombudsman. The Respondent has submitted that it was purely unintentional and occurred due to the following reasons:

a) that an opinion was sought by the Respondent from its Counsels as to whether due to the nature of Order involved, if there was a chance of exploring possibility of fling a review to bring certain facts to the Knowledge of the Hon'ble Ombudsman. Detailed deliberations and meetings took place with the representatives of the Respondent as well its Counsels. It was finally concluded and opined by the Counsels to comply with the Order instead of filing the review before the Hon'ble Ombudsman.

b) that subsequently, in compliance of the Order of the Hon'ble Ombudsman, the Respondent wrote letters to Executive Engineer, EDMC as well as to the Executive Engineer, PWD requesting for granting permission for road cutting. Despite repeated follow up with the aforesaid requisite authorities, the Respondent has received no response from their side. It is pertinent to mention that it is due to the said non responsiveness of the relevant authorities that the delay in compliance occurred.

7. The Commission observes that the reasons for delay in execution of the Order of the Hon'ble Ombudsman as submitted by the Respondent are acceptable.

8. Keeping in view the above and taking cognizance of the email by the petitioner to withdraw the Petition, the request of the Petitioner is acceded to and the Petitioner is allowed to withdraw the Petition.

9. The petition is dismissed as withdrawn. Ordered accordingly.

Sd/-
(B. P. Singh)
Member