Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

No. F. 11(859)/DERC/2012-13/3688/1448

Petition No. 45/2012

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

In the matter of:

Abha Kothari
W/o Manoj Kothari
R/o 26/6, West Patel Nagar
Delhi – 110 008 **…Petitioner**

Versus

M/s BSES Yamuna Power Ltd.
Through its : CEO
Shakti Kiran Building
Karkardooma
Delhi-110092 **…Respondent**

Coram:

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

Appearance:

1. Sh. A. K. Datta, Attorney of Abha Kothari;
2. Ms. Abha Kothrari, Petitioner;
3. Sh. Manoj Kothrai, along with Petitioner;
4. Sh. H.M. Sharma, along with Petitioner;
5. Sh. Manish Srivastava, Advocate for Respondent;
6. Sh. Imran Siddiqi, Legal Officer, BYPL.

INTERIM ORDER

(Date of Hearing: 27.06.2013)
(Date of Order: 03.07.2013)

1. The above matter was listed for hearing today in the Commission; where above named representatives of both the parties were present and submitted their arguments on the issue of admission of this petition. The Petitioner stated that the Respondent had violated several Regulations on the following accounts:

i. Regulation 52(x)- The respondent failed to send show cause notice to the petitioner within seven days of the incident of burning of meter on 16.04.2012

ii. Regulation 52(xi)- Show cause notice was issued after more than 2 months although the meter was burnt on 16.04.2012

iii. Regulation 53 (ii)- No speaking order was passed after three days of personal hearing on 20.06.2012

iv. Regulation 53(iii)-The Respondent violated the regulation 53(iii) as the case of theft of electricity was not established, no further proceeding could have been initiated.

v. Regulation 59 (ii)- No speaking order was passed within 15 days.

2. The Petitioner also contended that it is only after the Petitioner filed the complaint under Section 142 before the Commission, as an afterthought the Respondent has instituted a case of electricity theft against the petitioner. The Petitioner also alleged that in the Speaking Order dated 11.09.2012, the Respondent has indicated that the petitioner has appeared in person on 13.08.2012 and submitted a statement which is not correct.

3. The Respondent contended that the allegations made by the Petitioner are not correct because any action can be taken only after testing of the meter which was done on 27.04.2012, and the time would start from that date. Furthermore the report says that the meter was burnt externally and therefore, the case of theft is registered against the Petitioner, which is pending before the Special Court.

4. The Commission enquired about the status of all the four meters installed in the same meter board of the premises where the fire took place. What action has been taken by the Respondent whether to replace or repair them?

5. Hearing the submissions made by the parties, the Commission desired that the Petitioner should make written submissions about the violations committed by the Respondent, within three weeks from the receipt of the order and serve a copy of the same to the Respondent. Thereafter, the Respondent would submit

their reply within three weeks along with the status of all the four meters installed at the same meter board of the premises where the fire took place and also serve a copy of the same to the Petitioner. The case will be listed after receiving the written submissions from both the parties.

6. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(J. P. Singh)	(Shyam Wadhera)	(P. D. Sudhakar)
Member	Member	Chairperson