

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

No. F. 11(808)/DERC/2012-13/3455

Petition No. 20/2012

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

In the matter of:

S K Maheshwari
17, F.I.E Patparganj Industrial Area
Opp. Hasanpur Depot
Delhi-110092

...Petitioner

Versus

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

...Respondent

Coram:

Sh. P. D. Sudhakar, Chairperson & Sh. J. P. Singh, Member.

Appearance:

1. Petitioner in person with Sh. H.M. Sharma and Sh. A. K. Datta;
2. Sh. Manish Srivastava, Counsel for the Respondent;
3. Sh. D. Shirish Varma, BSES Yamuna Power Ltd;
4. Sh. Imran Siddiqi, Legal Officer, BYPL.

INTERIM ORDER

(Date of Hearing: 27.03.2014)

(Date of Order: 07.04.2014)

1. The matter is regarding the complaint filed by Sh. S. K. Maheshwari, regarding information related to power outage (no current time), which was missing on certain bills issued to the Complainant.
2. The Commission vide its order dated 01.02.2013 had imposed a penalty of Rs. 90,000/- to be deposited with the Commission within one month from the date of its order. The Commission had further directed the respondent to file reply on the following issues within two weeks:

- (i) Reply to the application filed by the complainant under Section 340 of Cr.PC.
 - (ii) Whether BSES Yamuna Power Limited is fully equipped to rectify the defect in the AMR system?
 - (iii) Why the Respondent has failed to keep AMR system technically functioning and failed to rectify the defects occurring repeatedly even after one year of filing of above complaint on 23.11.2011?
3. However, till the date of last hearing i.e. 17.10.2013, the aforesaid directions of the Commission were not complied with by the Respondent. The counsel for the Respondent had expressed its regret to the Commission and had stated that due to change of guard in the company, the order of the Commission was not complied with and had requested the Commission to grant a week's time to comply with directions of the Commission.
4. The Commission had expressed its strong displeasure as to why the Respondent did not comply with the order dated 01.02.2013 and vide order dated 25.10.2013, directed the Respondent to deposit the amount of penalty within 15 days and also to file replies to the queries raised by the Commission within the same 15 days.
5. The Respondent deposited the amount of Rs. 90,000/- on 30.10.2013 i.e. within 15 days from the date of the order, however, the reply to the queries raised by the Commission was not filed by the Respondent within 15 days.
6. A notice for hearing in the matter was issued on 03.03.2014. Only after issue of notice for hearing in the matter, the Respondent filed its reply on 25.03.2014.
7. The matter came up for hearing today i.e. 27.03.2014, which was attended by both the parties.
8. The Complainant raised a strong objection to the conduct of the Respondent of not obeying/complying with the order of the Commission. The Complainant stated that it was not for first time that the Respondent failed to comply with the order of the Commission. Rather such type of conduct of non-compliance is a habit of the Respondent and the

Respondent must be penalized for such an irresponsible behavior. The Complainant also sought time to file rejoinder to reply submitted by the Respondent.

9. The Commission is extremely dissatisfied by the conduct of the Respondent and took exception to the non-serious way of complying with the order of the Commission by the Respondent. For such an act and inconvenience caused to the Complainant, the Commission imposes a cost of Rs. 10,000/- on the Respondent to be paid to the Complainant within 15 days. The Commission also grants 15 days time to the Complainant to file a rejoinder in the matter.
10. The next date of hearing shall be intimated to the parties in due course.
11. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson