

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

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

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

Appearance:

1. Shri A.K. Dutta, Advocate for the Petitioner;
2. Shri H.M. Sharma, along with Petitioner;
3. Smt. Abha Kothari, Petitioner
4. Shri Manoj Kothari, along with Petitioner,;
5. Shri Arav Kapoor, Advocate for Respondent;
6. Shri Manish Nagpal, Manager (Legal), of Respondent;
7. Shri Imarn Siddiqui, Legal Officer, BYPL.

INTERIM ORDER

(Date of Hearing: 13.03.2014)

(Date of Order: 21.03.2014)

1. The above matter was listed for hearing today in the Commission; where above named representatives of both the parties were present.

2. The Respondent prayed for adjournment in the matter as Shri K. Datta, counsel for respondent was out of town. The adjournment was opposed by the petitioner that such adjournments in the matter have already been granted in past also as per the request of the respondent, on one ground or the other, causing delay in the disposal of the matter. The Commission did not adjourn the matter and asked the petitioner to present the case and complete the arguments.
3. The Petitioner reiterated and recounted the events leading to the present petition and summarized that the Respondent had violated following Regulations:
 - I. Regulation 52 (iii) - The Respondent failed to produce any proof of identity or visiting card.
 - II. Regulation 52 (iv) & (v) - The Respondent failed to prepare any report giving details of inspection of the premises.
 - III. Regulation 52(viii) - No Seizure memo was prepared when the inspection was conducted.
 - IV. Regulation 52(ix)-No report was handed over to the petitioner.
 - V. Regulation 52(x) - The issue of a second show cause notice for the same inspection is in violation of set procedure.
 - VI. Regulation 52(xi) - Show cause notice was issued after more than 2 months although the meter was burnt on 16.04.2012.
 - VII. Regulation 53 (ii) - No speaking order was passed after three days of personal hearing on 20.06.2012.
4. The petitioner alleged that a false case of electric theft was filed before the Special Court even when she had paid the assessed bill. It was also pointed out that the aforesaid case was filed after the petitioner filed a petition under section 142 of the Electricity Act, 2003 before this Commission.
5. The petitioner also submitted that the respondent habitually failed to file the reply within the time given by the Commission and

therefore, the respondent has not complied with the order of the Commission on several occasions.

6. The Petitioner also prayed that Commission may grant compensation under section 57(2) of the Electricity Act, 2003 because the Respondent has failed to meet the Standards of Performance specified.
7. The argument on part of the petitioner was complete. The Respondent is given an opportunity to present its arguments through written submissions within two weeks from the date of this order.
8. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson