

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017

No. F. 11(1037)/DERC/2013-14/4073

Petition No. 45/2013

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

In the matter of:

Sanjeev Jain
Son of Late Sh. S. C. Jain
B094, Shashi Garden
Gali No. 10, Patpar Ganj
Delhi – 110 091

.....**Complainant**

VERSUS

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

.....**Respondent**

Coram:

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

Appearance:

1. Petitioner in person.
2. Sh. Manish Srivastava, Counsel for the Respondent
3. Shri I U Siddiqui, Legal Officer, BYPL.
4. Shri Munish Nagpal, Sr MGR, BYPL

INTERIM ORDER

(Date of Hearing: 03.04.2014)

(Date of Order: 24.04.2014)

1. The instant petition has been filed by Shri Sanjeev Jain under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd for violation of the procedure laid down in Regulation 49 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 and Section 56 of the Electricity Act, 2003.
2. In his petition, the Petitioner has alleged the violation of Regulation 49 for disconnection of electric supply made without any notice or intimation.
3. Notice of the petition was issued on 03.10.2013 to the Respondent to file its reply.

4. In response to the above notice, the Respondent filed its reply on 01.04.2014 and has sought dismissal of the above complaint on the ground that a person, who has indulged in direct theft of electricity, cannot be granted any indulgence by this Commission.
5. The matter was listed for hearing today whereby representatives of both the parties were present.
6. The petitioner during the course of hearing also submitted an application seeking intervention of the Commission in the matter of alleged harassment made by the Discom. He stated that every month or so, the employees of Discom, without any reason visit his house and harass his family members so as to withdraw Section 142 complaints filed against Discom and pending with the Commission.
7. The Commission hereby directs the Discom to make only purposeful visits to the premises of the Petitioner and should not harass the consumer by making unnecessary visit/inspection in the premises of the consumer.
8. On the issue of violation of regulations/provisions of the Electricity Act, 2003, the Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, the Commission is of the opinion that the petition may be admitted as there appears to be a violation of Provision 49 of Delhi Electricity Supply Code and Performance Standards Regulations, 2007 and Section 56 of Electricity Act, 2003, whereby clear 15 days notice is mandatory in case of default in payment of due amount by the consumer. In the instant case, there appears to be violation of Section 56 of the Electricity Act, 2003 and Regulation 49 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007 as disconnection of the supply was made without any notice or intimation. By that way the Discom has violated Regulation 64 also as it has failed to provide guaranteed standard of performance.

9. The Petitioner has also prayed this Commission for granting compensation also because the Respondent has failed to meet the Standards of Performance specified. The Respondent is put on a show cause as to why compensation be not granted to the Petitioner for alleged violations of Standards of Performance by the Respondent.
10. In view of the above-mentioned findings, the Respondent above-named is hereby directed to show cause as to why proceeding u/s 142 of the Electricity Act, 2003 should not be initiated against it for prima-facie violation of aforesaid Regulations of Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007/Section of the Electricity Act, 2003. The respondent is also directed to Show-cause as to why a compensation under section 57 (2) of the Electricity Act, 2003 should not be paid to the consumer.
11. The Respondent is directed to file its reply within four weeks from the receipt of this notice and to serve a copy of the same to the complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.
12. Take notice that in case the Licensee above named fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Licensee has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
13. The next date of hearing shall be intimated to the parties in due course.
14. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson