

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

F.11 (1092)/DERC/2014-15/4307

Petition No.15/2014

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

In the matter of:

Shri M.S. Jadhav
S/o Shri Prem Singh,
R/o F-133, Delhi Transco Colony,
New Kilokari, New Delhi - 110014

.....**Petitioner**

Versus

BSES Rajdhani Power Ltd.
Through its: **CEO**
BSES Bhawan
Nehru Place
New Delhi-110019

.....**Respondent**

Coram:

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

Appearance:

1. Petitioner in person
2. Shri. Sudip Bhattacharya, DGM, Enforcement, BRPL
3. Shri Surender Kumar, Legal Retainer, BRPL
4. Shri. Praveen Kr. Singh, B.M, Nizamuddin.
5. Shri. Gaurav Bajaj, AMPS, Nizamuddin.
6. Shri. P.K. Gupta, Manager, BRPL.

ORDER

(Date of Hearing: 24.07.2014)
(Date of Order: 01.08.2014)

1. The instant petition has been filed by Shri. M.S. Jadhav under Sections 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for alleged violation of the Section 43 of the Electricity Act, 2003. The Petitioner has requested the Commission for the following:-
 - a) to pass an Order to release/provide a new connection as applied by him, and

- b) Payment of compensation as per Regulation 65 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. Notice of the petition was issued on 30.04.2014 to Respondent to file its reply.
 3. In response to the above notice, the Respondent filed its reply on 10.06.2014 and sought dismissal of the above complaint on the ground that the Commission has no jurisdiction to entertain the present complaint for the reason that the Commission cannot entertain individual disputes like theft of electricity etc. between the licensee and the consumer. The respondent also submitted that no violation of Act/Regulation has taken place because Petitioner failed to provide necessary documents regarding proof of ownership of property/allotment letter resulting in his rejection of application for new Connection.
 4. The matter was listed for hearing on 24.07.2014 whereby Counsel/representatives of both the parties were present.
 5. During the hearing the Petitioner argued that as per section 43 of the Electricity Act, 2003 the respondent has to provide the electricity Connection within one month of receipt of the application. As the respondent has failed to provide new connection, it has violated section 43 of the Electricity Act, 2003, therefore, the Respondent may be directed to release connection as per his application and he may also be paid compensation @ Rs. 1500/- per day for the period of default as committed by the Discom.
 6. In response to the above arguments of the Petitioner, the counsel for the respondent reiterated its stand that the necessary documents regarding proof of ownership of property/ allotment letter from Estate Department had not been submitted by the Petitioner, which is a mandatory requirement for grant of new electric connection at the premises as per the terms of Regulation 15(1) of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007. The Respondent also submitted

that the Petitioner was duly intimated about rejection of his application due to the said discrepancy in his application.

7. The Petitioner stated that he had not received any letter of rejection till date and the same was being served to him during the hearing only and therefore, there was a violation because the Respondent failed to communicate rejection of his application within one month from the date of application. For the aforesaid, the petitioner reiterated his demand for payment of compensation @ Rs. 1500/- per day for the period of default.
8. The Respondent controverted the arguments of the petitioner and submitted that the rejection letter dated 23.04.2014 was sent to the petitioner vide speed post No. ED 95890170 5IN.
9. On the basis of pleadings and submissions made by both the parties, the Commission is of the opinion that admittedly the requisite documents for release of a new connection viz. proof of ownership/allotment letter were not provided by the Petitioner resulting in rejection of his application, which was also informed to him vide letter dated 23.04.2014 sent through speed post within stipulated time of one month. Therefore, no case of violation of section 43 of the Electricity Act, 2003 is made out for admission of the petition.
10. The petition is not admitted. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson