

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017

Ref. F.11(891)/DERC/2012-13/C.F.No. 3799/1570

Petition No. 11/2013

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

AND

In the matter of :

Kailash Chand
S/o Late Sh. Bhagwat Prashad
R/o F-1/340, Sunder Nagri
Delhi-110093

....Complainant

VERSUS

BSES Yamuna Power Limited
Through its : **CEO**
Regd. Office at :
Shakti Kiran Building
Karkardooma
Delhi-110092

....Respondent

Coram:

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

Appearance:

1. Petitioner along with Sh. Rajneesh Kapoor and Shri S.S. Rawat, Advocates.
2. Sh. Manish Srivastava, Counsel for the Respondent
3. Sh. Imran Siddiqui, Legal Officer, BYPL

ORDER

Date of Hearing: 04.07.2013
(Date of Order: 12.07.2013)

1. The present petition has been filed by Shri Kailash Chand, who is a registered consumer of the Respondent Company with a sanctioned load of 3 KW for commercial use at property no. G4/75 adjoining G4/74, Sunder Nagri, Delhi, under Section 142 of Electricity Act, 2003 against the respondent, BSES Yamuna Power Ltd. for violation of provisions of

Regulation of Delhi Electricity Supply Code and Performance Standards, 2007.

2. The complainant has alleged that :
 - i. Electricity meter no. 101522127 installed at G4/75, Sunder Nagari was removed and supply of electricity has been disconnected by the Respondent Company without informing to him and following the procedure required under regulations.
 - ii. The Respondent raised an assessment bill in a false theft (direct theft) case for Rs. 6,65,091/- for the aforesaid commercial meter with due date 12.09.2012.
 - iii. On 09.10.2012, a team of the Respondent raided his another house no. G-4/74-75 where he was having a generator and using the same for electricity as and when required. The said team cut the wire of generator and demanded a bribe of Rs. 50,000/-
 - iv. The Respondent again made a false case of electricity theft and raised a bill for Rs. 2,42,241/-.
 - v. In another violation, the Respondent have raised bills against the disconnected electric connection even after the date of disconnection and has raised money through ECS.
 - vi. The inspection in respect of alleged theft in premises no. G-4/74 was made on 09.10.2012 but no case/FIR has been filed till date, whereas as per regulations a case should be filed within 2 days of inspection.
3. In his petition, the Complainant has sought following relief from the Commission:
 - i. To set aside/quash the Bill No. YMENF121020120010A0 for an amount of Rs, 2,42,241/- vide case ID No. YM091012C1404 being illegal;

- ii. To give direction to the respondent to refund the deposit amount against the Bill No. YMENF121020120010A0 as well as withdrawn by the respondent through E.C.S. from credit card of the petitioner;
 - iii. To restrain the respondent to raising electricity bills from the period after disconnection i.e. from 24.08.2012;
 - iv. To give direction to the respondent to restore or reconnect the electricity connection of the petitioner vide electricity connection bearing K. No. 1260000061;
 - v. To give direction to the respondent to pay a compensation of Rs. 1,00,000/- (Rs. One Lac) to the petitioner for mentally harassment and agony;
4. Notice of the petition was issued to the Respondent on 18.02.2013 to file its reply.
5. The Respondent filed its reply on 10.06.2013 and has sought dismissal of the above complaint on the following ground that:
- i. That a case of direct theft of electricity u/s 135 of the Electricity Act, has been booked against the complainant followed by assessment bill for theft of electricity amounting to Rs.6,65,051/- to which the consumer failed to make the payment of theft bill within a stipulated period and accordingly a complaint has been filed before the Special Electricity Court vide CC NO. 216 of 2013 and next date of hearing is on 05.06.2013.
 - ii. Further the complainant has also filed a suit for perpetual and mandatory injunction against the Respondent bear civil suit no. 96/2012 which is pending adjudication before Ld. Special Court Karkardooma, Delhi.
 - iii. Further another case of direct theft of electricity u/s 135 of EA, 2003 has been booked against the consumer followed by

assessment bill for theft of electricity amounting Rs. 2,42,241/- to which complainant failed to make the payment of theft bill and accordingly a complaint has been lodged for registration of FIR against the complainant at police station Nand Nagri.

iv. As on date Rs. 9,71,774/- with LPSC is outstanding against the complainant which the complainant is liable to pay.

6. The matter was listed for admission in the Commission on 04.07.2013, which was attended and argued by the representatives/counsels on behalf of both the parties.
7. After hearing both the parties, the Commission observed that the Petitioner has not mentioned violation of any specific Regulations in the petition which can qualify his case to be considered under Section 142 of the Electricity Act, 2003. The Complainant has only made prayer for quashing of Bill No. YMENF121020120010A0 for an amount of Rs. 2,42,241/- vide case ID No. YM091012C1404 being illegal; to refund the deposit amount against the said Bill and to pay a compensation of Rs. 1,00,000/- (Rs. One Lac) to the petitioner for mental harassment and agony which are not maintainable before the Commission.
8. For the reasons recorded above, the Commission is not in a position to grant any relief to the consumer in terms of Section 142 of the Electricity Act, 2003.
9. As far as grievances of the Petitioner regarding aforesaid billing disputes and compensation, the petitioner may approach the CGRF for redressal of his grievance, under Section 42 (5) of the Electricity Act, 2003.
10. The petition is disposed-off with the above directions.
11. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON