

Delhi Electricity Regulatory Commission

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

No. F.11(596)(1)/DERC/2010-11/C.F.No.2540/6446

Petition No.48/2010

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

AND

In the matter of:

Kamal Kumar Jain
3968, Gali No. 16,
Ajeet Nagar,
Delhi

....Complainant

VERSUS

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

....Respondent

Coram:

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

Appearance:

1. Sh. Sita Ram, DGM, BYPL
2. Sh. Manish Srivastava, Advocate BYPL

ORDER

Date of Hearing: 14.02.2012
(Date of Order: 22.02.2012)

1. Petitioner Sh. Kamal Kumar Jain, R/o 3968, Gali No. 16, Ajeet Nagar, Delhi having K.No. 1220R8125791 for non domestic purpose with 5 KW sanctioned load, has filed this complaint under section 142 stating that while booking the DAE case against the complainant, the Respondent has violated Regulation 52 & 53 of the Supply Code and sought quashing of the same.

2. The brief matrix of the case is that on 26.11.2009, the officials of the Respondent came to his premises for changing the meter in the presence of the petitioner and after changing the meter the officials left the premises.
3. On 24.02.2010, the officials of the Respondent came for routine checking of the meter and also checked the load of the premises and left the premises without saying anything. On 27.04.2010 the petitioner received a show cause notice dated 23.03.2010 for DAE and the petitioner was directed to attend the personal hearing on 28.04.2010 at the Respondent Enforcement Office, Patpar Ganj, Delhi. On 28.04.2010, the petitioner attended the personal hearing and asked for time to file the reply of the show cause notice because the same was received on 27.04.2010 i.e. only one day earlier but the Respondent officials refused to give any further time to file the reply to the Show Cause Notice. On 19.05.2010, the petitioner received an ex-parte Speaking order dated 06.05.2010 along with DAE bill of Rs. 1,70,541/- with due date 28.05.2010.
4. As per the lab report dated 21.01.2010, all the seals of the meter found O.K. and LCD & LED O.K. and reading of meter running accurately and within limits. There is no conclusive evidence of tampering of the meter as per the documents of the Respondent.
5. The petitioner is alleging that while framing above case the provisions of Regulation 52 and 53 of Supply Code have been violated.

6. However, the Respondent in addition to filing its para wise reply on dated 19.08.2011, has also filed an affidavit dated 29.09.2011, stating that during the pendency of this case in the Commission, the aforesaid matter had been amicably settled between both parties i.e. petitioner and respondent company, in September, 2010 and the petitioner has paid full payment as per settlement and no dispute remains between the parties.
7. In pursuant to the above affidavit and withdrawal letter forwarded by the Respondent, the Commission sought confirmation from the petitioner by sending copies of all documents submitted by the Respondent on the statement made there under and gave 15 days time to file reply. The letter was issued on 07.10.2011. However, the Respondent has filed an application dated 29.11.2011 of the complainant in the Commission on 15.12.2011 which is signed by his counsel requesting therein withdrawal of the above complaint.
8. Since, the petitioner has requested for withdrawal of the above complaint stating to have been amicably settled, therefore, the above petition is disposed off considered as amicably settled and withdrawn.
9. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON