

Delhi Electricity Regulatory Commission

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

F.11(584)/DERC/2010-11/C.F.No. 2562/5720

Petition No. 43/2010

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

AND

In the matter of :

Kumkum Mishra
W/o Sh. Dina Nath Mishra
D-197, G/F, Ganesh Nagar,
Pandav Nagar Complex,
Delhi.

...Petitioner

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. P.K. Mahur, Officer Legal, BYPL;
2. Sh. Dinesh Kumar, Sr. Manager (Enf., BYPL);
3. Sh. K. Datta, Advocate (BYPL).

ORDER

(Date of Hearing: 22.11.2011
(Date of Order: 11.01.2012)

1. The instant complaint has been filed by Smt. Kumkum Mishra R/o D-197, G/F, Ganesh Nagar, Pandav Nagar Complex, Delhi, who is a registered Petitioner of BYPL having K.No. 1230O1330276 against BYPL under Section 142 of the Electricity Act, 2003.

2. The brief matrix of the case is that on 06.09.2010, Petitioner made a complaint of faulty meter to the Respondent (BYPL).
3. On 22.10.2009, the meter was checked and found within the permissible accuracy limit. However, on 24.10.2009, BYPL representative came to replace the existing meter with a new meter. The old meter was sent to lab for examination. Thereafter, the Petitioner was given a notice to attend the lab testing of the old meter on 30.10.2009 at BYPL meter testing lab, Sarita Vihar. However, on 30.10.2009 when the Petitioner went there, the lab official informed that no said meter had been received in their lab.
4. On 19.01.2010, the premise of the Petitioner was again inspected for the purpose of checking the connected load.
5. On 22.03.2010, the Petitioner received a show cause notice dated 09.02.2010 for DAE. An assessed bill of Rs. 21,619/- against alleged theft under Section 135 of the Electricity Act, 2003 was raised on the Petitioner.
6. The Petitioner has alleged that the DAE case booked against her is illegal, arbitrary and against the principle of natural justice because as per the lab report, the seals of the meter were found OK. The Petitioner has placed the argument that due to burning of meter terminal, the meter got burnt and could not be downloaded. She has also submitted that no original means of illegal resistance were found inside the meter.
7. The Respondent was asked to file reply against the above. In addition to filing its para wise reply on dated 20.09.2010 the Respondent has also filed an affidavit on dated 28.09.2011 stating there in that the aforesaid matter had been amicably settled between petitioner and respondent company in September, 2010 and the Petitioner has also paid full payment as per settlement and no dispute remains between the parties.
8. In pursuance of the above affidavit, Commission issued a letter to the Petitioner for seeking confirmation from him on the above statement of Respondent and gave 15 days time to reply. This letter was issued on 07.10.2011 but no response has been received from the Petitioner. Petitioner was also informed through this letter that in absence of her non-

submission of confirmation, it will be presumed that she is no more interested to press his prayer /grievance and the said complaint shall be treated as amicably settled and withdrawn.

9. The Commission heard the matter on 22.11.2011 which was attended by the officers of the Respondent stated above. However, no one appeared on behalf of the Petitioner.
10. Since, the Petitioner has not responded to the above letter and also not attended the hearing, therefore, in light of the above, it is decided that the present Petition is considered as amicably settled and hence disposed off.
11. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON