DELHI ELECTRICITY REGULATORY COMMISSION

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11 (1231)/DERC/2015-16

Petition No. 36/2015

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

And

In the matter of:

Mange Ram
S/o Shri Rishal Singh
2/3, Hari Nagar Ashram,
New Delhi – 110014 **…….Complainant**

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 NK Nagar, Advocate for the Petitioner;
3. Shri Manoj Banka, A.R of the Petitioner;
4. Shri Manish Srivastava, Advocate for Respondent.
5. Shri S. Bhattacharya, DGM Enforcement, BRPL.

ORDER

(Date of Hearing: 23.07.2015)
(Date of Order: 24.08.2015)

1. The instant petition has been filed by Shri Mange Ram under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.

2. Notice of the petition was issued on 08.05.2015 to Respondent to file its reply.

3. In response to the above notice, the Respondent filed its reply on 18.06.2015 and has denied all allegations and sought dismissal of the above complaint on the following grounds:

a) That on the subject matter, the Respondent company has already filed a criminal complaint under Sections 135, 138 and 150 of the Electricity Act, 2003 before the special court, Saket. The matter was listed for further proceedings on 04.07.2015.

b) The petitioner has neither been named as user nor is registered consumer in the statutory inspection conducted on 11.01.2014 and accordingly he is not named as accused in the said criminal complaint pending before the Ld. Special court. Thus, the Petitioner has no locus in the subject matter and the Petitioner has explained his linkage to the inspected premises and subject inspection nor has he explained as to how he is affected with the subject inspection and the proceeding followed thereafter in the present petition.

c) Meter testing date was fixed to be on 20.09.2013. since neither the consumer nor the user presented themselves on the scheduled dated, the suspected meter was subsequently tested in the Lab in their absence on 07.11.2013.Lab declared that meter found tampered.

4. The matter was listed for hearing in the Commission on 23.07.2015, which was attended by the Counsel/representatives of the petitioner and of the Respondent.

5. During the hearing, Counsel of the petitioner submitted the following:
   a) The meter was tested in the absence of the registered consumer;
   b) The Show cause notice was issued on 27.01.2014 after 46 days from the date of inspection dated 13.9.13;
   c) The inspection report was neither pasted in/outside the premises nor was it sent through a registered post.

6. The Counsel for the Respondent raised the objection about locus standi of the Petitioner and submitted that the petitioner is neither named as user nor is a registered consumer in the statutory inspection conducted on 11.01.2014 and accordingly he is not named as accused in the said criminal complaint pending before the Ld. Special court. Thus, the Petitioner has no locus in the subject matter and the Petitioner has neither explained his linkage to the inspected premises and subject inspection nor has he explained as to how he is affected with the subject inspection and the proceeding followed thereafter in the criminal case.

7. After hearing arguments from both the sides, the Commission is of the view that though the Petitioner has claimed himself to be the Owner of the premises. The Petitioner is neither the registered consumer of the connection nor has been named as a user of the supply at the time when the present theft of electricity case has been booked. Therefore, he has no locus standi to institute the present petition.

8. In view of the above, the petition is not admitted. Ordered accordingly.

Sd/-	*Sd/-*	*Sd/-*
(B. P. Singh)	(J. P. Singh)	(P. D. Sudhakar)
Member	Member	Chairperson