

Delhi Electricity Regulatory Commission

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

No. F.11(629)/DERC/2010-11/C.F.No.2614/74

Petition No. 42/2010

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

AND

In the matter of:

Smt. Maya Gupta
W/o Sh. Vinod Kumar
Khasra No. 827/75, Hanuman Gali,
New Mandoli Industrial Area,
Delhi-110 093

...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. Manish Srivastava, Advocate, BYPL;
2. Sh. Pawan Kr. Mahur, Officer (Legal), BYPL.

ORDER

Date of Hearing: 13.03.2012
(Date of Order: 02.04.2012)

1. The instant complaint has been filed by Smt. Maya Gupta, W/o Sh. Vinod Kumar against the Respondent Company under section 142 of EA, 2003. She is R/o KH. NO. 827/75, Hanuman Gali, New Mandoli Industrial Area, Delhi-110 093.

2. The brief matrix of the case is that:

- i. On 22.02.2010 a new connection for non domestic purpose with 11 KW sanctioned load was applied for the above said premises after submission of all the required documents having application no. R2202100000757. In this regard an inspection was made but the Respondent Company failed to release the same.
- ii. The complainant vide various letters requested the Respondent to issue a demand note failing which it filed a complaint before CGRF vide complaint no. 69/05/10 against the above inaction of the Respondent.
- iii. The CGRF vide its order dated 12.07.2010 held that the claim of Respondent for recovery of outstanding dues of Rs. 69,028/- up to the bill for the month of January, 2010 against K. No. 1260V7741180 in the name of Sh. N.C. Gupta is not valid and the same cannot be recovered from the complainant.
- iv. Sh. N.C. Gupta purchased the property measuring 1666.6 sq. yards, out of plot no. L-1 of Kh. No. 827/75, from Sh. Purshottam Das Bindra, on 16.04.2002, whereas the complainant Smt. Maya Gupta, purchased a piece of land measuring 400 sq. yards out of the plot no. L-1 of Kh. No. 827/75 from Sh. Rakesh Kumar S/o Sh. Om Prakash, through GPA dated 24.09.2009. On the basis of these documents, the CGRF held that the property purchased by Smt. Maya Gupta is not part of the property owned by Sh. Nanak Chand Gupta and CGRF directed the Respondent to release the above connection subject to completion of all commercial formalities as per regulations and also ordered to pay compensation of Rs. 1,000/- to the complainant. The Respondent failed to comply with the above order of CGRF. As such, the Complainant again filed an application before CGRF for non-compliance of the above order on 26.07.2010. The out come of this application is not known.

- v. The complainant filed the present petition on 23.07.2010, seeking penal action against the Respondent for non-compliance of the order of the CGRF.
3. The Commission has received an application dated 22.12.2011 (received on 07.03.2012) from Smt. Maya Gupta for withdrawal of her complaint in pursuance of compliance of the order of the CGRF. However, the applicant has not mentioned the date of compliance of the above order of CGRF.
4. The Respondent has filed an affidavit on 09.03.2012 stating that as the order of the Hon'ble CGRF had already been complied with and the complainant is fully satisfied with the same hence no dispute remains in respect of the aforesaid matter. In support of the same the Respondent has also endorsed a copy of withdrawal letter dated 22.12.2011 of the complainant, seeking therein withdrawal of her present complaint.
5. The above matter was listed on 13.03.2012 for hearing in the Commission which was attended by above representatives of the Respondent whereas no one appeared on behalf of the complainant. The Commission after taking cognizance of the affidavit filed by the Respondent and considering the withdrawal request of the complainant disposed off the above complaint in view of the compliance of the order of the CGRF.
6. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON