

Delhi Electricity Regulatory Commission

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

F.11(584)/DERC/2010-11/C.F.No. 2898/6209

Petition No. 74/2010

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

AND

In the matter of:

Mohd. Mustaqim
H.No. 1444, Gali Gandhi Wali,
Kala Mahal
Delhi – 110 006

...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. Sita Ram, DGM, BYPL;
2. Sh. Pawan Kr. Mahur, Officer (Legal), BYPL.

ORDER

Date of Hearing: 31.01.2012
(Date of Order: 08.02.2012)

1. The instant complaint has been filed by Mohd. Mustaqim, H.No. 1444, Gali Gandhi Wali, Kala Mahal, Delhi-110 006 and registered consumer of Respondent having K.No. 112023090143 for non domestic purpose with 1 KW Sanctioned load.

2. The brief matrix of the case is that on 10.11.2009, BYPL officials came to change the meter, as the reading of meter was not downloadable.
3. After change of meter petitioner received on revised/assessed bill of Rs. 6,310/- for a period of 02.03.2009 to 04.09.2009. On 26.02.2010, the Petitioner received a Show Cause Notice for DAE. The petitioner was directed to attend the personal hearing on 21.04.2010. The complainant has claimed that the DAE case booked against him has been in violation of Regulation 52 & 53 of Supply Code 2007. The consumer has further stated that he has been wrongly booked by the BYPL officials.
4. However, Respondent in its reply filed in the Commission on 26.12.2011 has informed that the above matter is sub-judice before Special Court in complaint No. 634/2010 and under Section 154 of Electricity Act, 2003, Special Court constituted under Section 153 is the only competent court to hear such matters. Therefore, to hear the above matter by the Commission is barred by Section 10 of CPC as being res-sub judice.
5. In view of the above, the above complaint is disposed off for want of jurisdiction, however, the complainant is at liberty to file fresh complaints, in case the Special Court hold, the Respondent responsible for any such violations.
6. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON