

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110 017

F.11(1708)/DERC/2019-20/6553

Petition No. 40/2019

Under section 142 of the Electricity Act, 2003

In the matter of:
Moti Ram Dhyani

.....**Complainant**

Versus

BSES Yamuna Power Ltd.
Through its: CEO

.....**Respondent**

Coram: Hon'ble Mr. Justice S S Chauhan, Chairperson

Appearance:

Shri Rijul Taneja, Counsel for the Respondent;

INTERIM ORDER

(Date of Hearing: 21.10.2019)

(Date of Order: 06.11.2019)

1. The representative for the Petitioner submits that it is the case of non-compliance of the order of CGRF for restoration of electricity supply to the Petitioner. It was further submitted that CGRF vide order dated 13.05.2019 has endorsed the directions of the PG Cell whereby restoration of electricity supply was ordered.
2. The Counsel for the Respondent DISCOM states that the Petition was dismissed as CGRF has refused to exercise its jurisdiction. Moreover, the premises falls in "O Zone" where electricity connection cannot be provided as per the letter dated 18.01.2017 of GoNCTD. The Counsel further submits that the Respondent DISCOM has written a letter to DERC seeking advice in the matter and DERC has replied to the DISCOM to act in accordance with the Rules and Regulations.
3. On the basis of pleadings and oral submissions of both parties and considering the material available on the record, it is evident that the CGRF has not exercised jurisdiction only for the reason that the PG Cell, which is a competent authority, has already passed an order for restoring the connection and PG Cell has further opined that the letter dated 18.01.2017

will be having prospective application and not in respect of connections provided prior to 18.01.2017. Therefore, under the garb of the letter, the restoration of connection which was given prior to 18.01.2017 cannot be denied. The CGRF has clearly written as under:

".... considering this fact that the matter has already been decided by PG Cell, the Forum is of the opinion that the connection of the complainant should have been restored (as also held by the PG Cell) by the Respondent. However, in spite of having PG Cell order, respondent have not complied by the Order of the PG Cell.

Since the issue is already adjudicated upon by the competent authority, therefore, the same issue cannot be decided by the Forum and only for that reason, the case is dismissed. The complainant is at liberty to approach appropriate court for compliance/execution of the orders."

4. As indicated hereinabove the Order and the rules position has been made clear as such there is no force in the contention of the Respondent Counsel. Any benefit has been claimed by the Respondent cannot be given in the aforesaid circumstances.
5. In view of the aforesaid the Commission decides that the petition may be admitted as there exists a prima-facie case of violation of following Regulation: -

Violation of Regulation 9 (6) read with Regulation 11 of DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer and Ombudsman) Regulations, 2003

Regulation 11 provides that: -

Subject to the right of the representation before the Ombudsman specified in these Regulations, the Orders of the Forum shall be binding on the consumers and the licensee.

Regulation 9 (6) provides that: -

.....the distribution licensee shall comply with the order of the Forum within 21 days from the date of issue of the order.

In this regard, it has been observed by the Commission that the CGRF vide its order dated 13.05.2019 directed the respondent Discom to comply with the Order of the P.G. Cell within 30 days. However, even after the lapse of more than 2 months the Respondent has failed to comply with the Order of the CGRF. Hence, there appears to be a violation of Regulation 9 (6) read with Regulation 11 of DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer and Ombudsman) Regulations, 2003

6. In view of the above-mentioned findings, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations should not be taken against it. The Respondent is directed to file its reply within four weeks with service of a copy to the Petitioner. The Petitioner has also been given liberty to file rejoinder, if any, within a week of above filing.
7. Take notice that in case the Respondent fails to furnish the reply to this Show Cause Notice within the time mentioned above, it shall be presumed that the Respondent has nothing to say and the Commission shall proceed in the absence of such reply in accordance with law.
8. The next date of hearing shall be intimated to the parties in due course.
9. Ordered accordingly.

Sd/-
(Justice S S Chauhan)
Chairperson