



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

F.11(2164)/DERC/2023-24

Petition No. 50/2023
Under section 142 of the Electricity Act, 2003

In the matter of:

Mukesh Sharma

..... **Petitioner**

VERSUS

BSES Rajdhani Power Ltd.
Through its: CEO

..... **Respondent**

CORAM:

Hon'ble Justice (Retd.) Jayant Nath, Chairperson

Appearance:

1. Mr. N.K. Naagar, Advocate for the Petitioner;
2. Mr. Manish Kumar Srivastava, Advocate for the Respondent

ORDER

(Date of Hearing: 02.07.2024)
(Date of Order: 04.07.2024)

1. This is a Petition filed by the Petitioner under Section 142 of the Electricity Act, 2003 seeking a direction to the Respondent not to take any proceeding against the Petitioner.
2. The case of the Petitioner is that the meter of the Petitioner was tested on 21.09.2017 and found O.K. No Show Cause Notice was issued. However, an impugned bill was raised in a hasty manner for 12 months. It is the grievance of the Petitioner that no personal hearing was given and the raid was pre-determined and falsely conducted. The Petitioner alleges violation of LDHF Formula Annexure XIII and 32(1) & (8) of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017.
3. Learned counsel for the Respondent has brought to my notice the fact that the Petitioner had filed a Civil suit earlier before the Court of Principal District and Sessions Judge, South-East: Saket Court. The said suit was dismissed on 17.02.2022. In the said suit, issues were framed and one of the issues framed was as follows:

WEAR FACE MASK

WASH HANDS REGULARLY

MAINTAIN SOCIAL DISTANCING

"i. Whether the bill bearing No. AGENR151220170013A0 dated 18.12.2017 in the sum of Rs.46,64,864.89 and/or subsequent revised bill of Rs.30,22,312/- be declared as null and void? OPP"

4. The Hon'ble Court held as follows:

"22. The plaintiff had challenged the bill in the sum of Rs.46,64,864.89 on the ground that the calculation has been made incorrectly as the premises had been last inspected on 21.09.2017 and the seals were found intact. On the representation of the plaintiff, the defendant had revised the electricity bill to Rs.30,22,312/- giving benefit of the fact that the seals were last inspected on 21.09.2017 and were found to be intact. The electricity bill on account of theft has been raised in accordance with the formula fixed under the Regulations for calculating the bill in case of theft and also considering the last Inspection Report dated 21.09.2017. The plaintiff has not been able to show any error in the calculation of the bill as per the formula. The bill is therefore not liable to be declared null and void."

5. Learned counsel for the Respondent further states that the matter under Section 135 of Electricity Act, 2003 is pending before the appropriate Criminal Court also.
6. In my opinion, with the above facts, there is no reason for the DERC to exercise its powers under Section 142 of the Electricity Act, 2003.
7. The Petition is dismissed. It is, however, clarified that this order is being passed without prejudice to the rights and contentions of the Petitioner in any pending matter, including the matter before the concerned Criminal Court.
8. Ordered accordingly.

Sd/-
(Justice (Retd.) Jayant Nath)
Chairperson