

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11 (1273)/DERC/2015-16

Petition No. 60/2015

Under section 142 of the Electricity Act, 2003

In the matter of:

Neeraj Kumar
S/o Shri Jitender Kumar
E55/289, Dilshad Vihar Colony,
DVC Camp, Shahdara,
Delhi – 110095

.....**Complainant**

VERSUS

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi – 110092

.....**Respondent**

Coram:

Sh. Krishna Saini, Chairperson & Sh. B.P. Singh, Member

Appearance:

1. Petitioner in person.
2. Shri R. K Jain, Advocate for the Petitioner;
3. Shri Subhash, along with the Petitioner;
4. Shri Imran Siddiqi, Legal Officer, BYPL;
5. Shri Munish Nagpal, Sr. Manager, BYPL;
6. Shri Arav Kapoor, Advocate for Respondent.

ORDER

(Date of Hearing: 20.07.2016)

(Date of Order: 05.08.2016)

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

2. Notice of the petition was issued on 17.08.2015 to Respondent to file its reply.
In response to the above notice, the Respondent filed its reply on 16.10.2015 and sought dismissal of the above complaint on the ground that the Present Petition has been filed against the theft bill dated 17.06.2006 i.e. after a period of 9 years. As such, the Present Petition is liable to be dismissed on the ground that it is highly belated and has been filed clearly as an afterthought. Petitioner is indulging in forum shopping. Petitioner has failed to show any regulation that has allegedly been violated by the Respondent and has failed to disclose any cause of action in his favour and against the Respondent making him entitled to approach this Forum.
3. The matter was listed for hearing on 20.07.2016 whereby Counsel/representatives of both the parties were present.
4. During the hearing the Petitioner reiterated its submissions made in the Petition and argued that the Respondent had filed a false case against the father of the Petitioner for harassment because the Respondent wanted to extort the money from the father of the Petitioner and he refused to pay the same.
5. In response to the above arguments of the Petitioner, the counsel for the respondent reiterated its stand that the Present Petition has been filed after a period of 9 years. As such, the Present Petition is liable to be dismissed on the ground that it is highly belated and has been filed clearly as an afterthought. It was also brought to the notice of the Commission that the Special Court of Electricity has already convicted the Petitioner of the offence u/s 135 of the Act (Theft of Electricity). Also, the Hon'ble High Court of Delhi dismissed the

appeal filed by the Petitioner against the said conviction of the Special Court. Further, no specific violation of the Regulation has been mentioned by the Petitioner.

6. On the issue of delay in filing the petition, the applicant failed to explain as to what was the sufficient cause which prevented him to approach the Commission earlier. No sufficient or reasonable cause has been shown for condoning the delay of more than 9 years.
7. On the basis of pleadings and submissions made by both the parties, the Commission is of the opinion that no case under Section 142 of the Electricity Act, 2003 can be made out: firstly, because no specific violation of the Regulation has been mentioned by the Petitioner; and secondly, it has been filed after an inordinate delay of 9 years without sufficient or reasonable cause. Therefore, the Commission dismissed the petition without admission as the petition is without merit.
8. The petition is not admitted. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(Krishna Saini)
Chairperson