

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

Petition No. 19/2008

In the matter of:

Raj Pal,
G-3/20, Sunder Nagar,
Delhi.

...Complainant

VERSUS

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

...Respondent

Coram:

**Sh. Berjinder Singh, Chairman, Sh. K. Venugopal, Member &
Sh. Shyam Wadhera, Member.**

Appearance:

1. Sh. Rajeev Ranjan, Assistant Manager, Legal, BYPL.

ORDER

(Date of Hearing: 28.11.2008)
(Date of Order: 16.12.2008)

1. The present Petition has been filed by the Complainant on the ground that he was booked in a false case of direct theft on the basis of an inspection conducted on 29.08.2007 and a direct theft bill of Rs. 43,113/- was raised against him. The Complainant submitted that the inspection of the premises was conducted in utter disregard to the law and the Regulations.
2. The Respondent in its reply submitted that the Hon'ble Commission has no jurisdiction to entertain the present Petition as the alleged offence falls within the ambit of Section 135 of the Electricity Act, 2003. The Respondent also cited the Order dated 06.03.2007 of the Commission passed in Vikas Industries Vs. BYPL in Petition No. 31/2006. The Respondent further submitted that an inspection was conducted on the premises by observing the due process and even the photographs were taken to show the exact position of direct theft.
3. A letter has also been received from the Complainant on 28.11.2008 wherein, it has been stated that the direct theft case stands settled against an amount of Rs. 17,000/-. Therefore, he sought liberty to withdraw the Petition.

4. No-one appeared from the Complainant's side.
5. Sh. Rajeev Ranjan, Assistant Manager, Legal, BYPL submitted that the matter has been settled with the Complainant. He requested that in view of the settlement, the Commission may kindly dismiss the Petition as withdrawn. However, Sh. Ranjan could not give any satisfactory explanation as to how and on what basis the case has been resolved with the Complainant. He also could not explain as to why the proceedings under Section 135 of the Electricity Act, 2003 could not be initiated against the Complainant even after a lapse of one year if he was really found indulging in direct theft of electricity.
6. The Commission, in a number of cases, has observed that the DISCOMs are not following the due process of law in theft cases. The DISCOMs first book a consumer in theft case and then resolve the matter subsequently without disconnecting the supply, lodging the FIR or initiating proceedings in the Special Court. Not only this, such cases are also kept pending for months together. This strange procedure is causing a lot of harassment to the consumers and also has the potential to breed corruption at the level of DISCOM's field staff. The DISCOMs are expected to follow only such procedure which is provided in law and not act in an arbitrary manner.
7. The Respondent Licensee is, therefore, directed to follow the statutory provisions in their true letter and spirit and take abundant precaution while booking a theft case in future.
8. Let the copy of this Order be sent to the other DISCOMs also.
9. The present Petition is dismissed as withdrawn.

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN