

# **Delhi Electricity Regulatory Commission**

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

No. F.11(741)/DERC/2011-12/C.F.No.3153/893

## **Petition No. 63/2011**

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

**AND**

**In the matter of:**

Rakesh Seth,  
H. No. 1/9112, Gali No. 4,  
West Rohtash Nagar, Shahdara,  
Delhi-110 032.

**...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. Pawan Kr. Mahur, Officer Legal, BYPL;
2. Sh. Brajesh Ranjan, BYPL;
3. Sh. Pramod Kr. Gupta, S.O.(A/C), BYPL;
4. Sh. K. Datta, Advocate, BYPL;
5. Sh. Manish Kumar Srivastava, Advocate, BYPL;
6. Sh. Rakesh Seth, Petitioner;
7. Sh. Vikram Seth, Petitioner.

## **ORDER**

Date of Hearing: 24.04.2012  
(Date of Order: 16.05.2012)

1. This complaint has been filed by the Petitioner for taking appropriate action against the Respondent for non-compliance of the Order of the CGRF dated 13.05.2011.

2. Petitioner's case in brief is that he had filed a complaint before the CGRF on 03.02.2011. The Complaint was finally decided on 13.05.2011 by the Forum by giving some directions to the Licensee Company, BYPL. The Licensee Company has not complied with the directions of the CGRF, therefore, the Licensee Company should be directed to take immediate action as per the Order of the CGRF, failing which the Licensee Company be prosecuted u/S 142 of the Electricity Act, 2003.
3. The Respondent in its reply submitted that the Petitioner is seeking execution of Order dated 13.05.2011 passed by the CGRF under the garb of this complaint. Since the Commission cannot act as an execution Court for the Order of the CGRF and the Petitioner has failed to cite which part of the Order has not been complied with, this Petition deserves to be dismissed. The Respondent further submitted that the Order of the CGRF has been complied with by removal of the extended electricity supply from the rear of Shop no. 4 and the Respondent has already verified the authenticity of the documents submitted for seeking energy connection of shop no. 5; therefore, no action is required against the Respondent.
4. It is undisputed between the parties that the Petitioner filed a complaint no. 03/02/11 before the CGRF and the CGRF passed an Order on 13.05.2011. In its Order the CGRF observed that:
  - (i) The Petitioner's contention is that he purchased the whole of the property no. 1/9112, Gali No. 4, West Rohtas Nagar, Shahdara, Delhi – 110 032, in public auction on 04.04.2009, through Canara Bank, Munirka Branch, New Delhi, and got vacant physical possession of the first floor and the second floor and the symbolic possession of the ground floor. As per the Petitioner's own version, legal proceedings for eviction of the ground floor premises of this property from its present occupants are already on in the Court of Debts Recovery Tribunal. Under these circumstances, until an order of eviction is passed by the competent court of law in favour of the Petitioner and against the present occupants of the ground floor property, the individuals presently occupying the various shops on the ground floor cannot be treated as unlawful or unauthorized occupants. As and when, the necessary eviction orders are passed by the Court of law against the present occupants the

Petitioner may approach the licensee for disconnection of the electricity supply as per law.

- (ii) The Respondent company has admitted in its inspection report that there is no officially sanctioned electricity connection existing in Shop No. 4 of the ground floor and the electricity supply is reported to have been extended from its back side which was found locked. The company is directed to take further necessary action in the matter as per the provisions of the Supply Code issued by DERC.
- (iii) The Respondent company is also directed to re-examine the various documents submitted by the occupant of the Shop No. 5 of the ground floor for the purpose of conversion of category from domestic to non-domestic and also for enhancement of load and check the claims of the Petitioner with regard to authenticity of the documents. Further, action be taken in the matter accordingly.
- (iv) The company is directed to take action for releasing any new connection in the premises strictly as per the provisions of the Supply Code issued by DERC including the requirement of NOC from the owner of the property. However, in the event of any specific grievance with regard to release of any new connection, both the owner and the occupant of the property are at liberty to approach this Forum.
- (v) As regards, the request of the Petitioner for protection against any arrears of dues which may arise due to use of electricity by the present occupants of the property, it is not possible for this Forum to pass any general orders in advance as there is no specific case of grievance against any dues as on today and hence no cause for any action. The Petitioner is at liberty to approach this Forum if any specific grievance against any specific dues of electricity is there in future for passing appropriate orders in the matter. The respondent company may however, take note of the Petitioner's prayer and take due precautions so as to avoid any accumulation of dues against the present occupants of the ground floor property beyond their security deposit.

5. The matter was listed for hearing on 24.04.2012 before the Commission which was attended by above representatives of both the parties.
6. After hearing the arguments advanced by both parties and taking into consideration the facts and documents available on the record, the Commission observes that in this Petition the Petitioner has sought action against the Respondent for non-execution of the CGRF Order. However, the issue of non-execution of the above Order is beyond the purview of the Commission because it is the CGRF alone who can decide which part of its Order has not been complied with. The Commission's intervention can only be invoked when the Respondent is found guilty of any violation of the Regulations. Therefore, it is held that the Petitioner may approach CGRF for redressal of his above-mentioned grievance and/or execution of the Forum's Order and in case the CGRF finds the Respondent guilty of violation of any Regulation or any part of its directions, the Petitioner will be at liberty to file a fresh complaint in the Commission under section 142 of the Electricity Act, 2003.
7. This Petition is disposed off accordingly.

Sd/-  
(J.P. Singh)  
MEMBER

Sd/-  
(Shyam Wadhera)  
MEMBER

Sd/-  
(P.D. Sudhakar)  
CHAIRPERSON