

Delhi Electricity Regulatory Commission

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

No. F.11(621)/DERC/2010-11/C.F.No.3117/6780

Petition No. 38/2010

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

AND

In the matter of:

Saleem
T-510/2, Ground Floor,
Chamelion Road,
Shidi Pura,
Delhi

....Complainant

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. P.K. Mahur, Officer (Legal), BYPL;
2. Sh. Sita Ram, AVP, BYPL;

ORDER

Date of Hearing: 28.02.2012
(Date of Order: 12.03.2012)

1. The instant complaint has been filed by Sh. Saleem, against the Respondent company under section 142 of the Electricity Act, 2003. He is R/o T-510/2, G.F., Chamelion Road, Shidi Pura, Delhi and having electricity connection K. No. 11300E020075 for non Domestic Purpose with 20 KW sanctioned Load.

2. In its reply filed by the Respondent it has challenged the jurisdiction of the Commission to hear the above case on the grounds that since a complaint in this regard has been filed before the Special Court having case no. 648 of 2010, which is still pending for adjudication under section 135, 138, 150 read with 151 of the Act, and in a case where the matter (involving similar issues) is pending before the other Court, then it cannot be heard in another court simultaneously at a time as the same is barred by Section 10 of CPC being res-subjudice. Moreover section 154 puts an embargo on other courts to hear such cases as the sole jurisdiction to try such cases lies with the Special court.
3. The above matter was listed on 28.02.2012 for hearing in the Commission which was attended by above representatives of the Respondent however, no one appeared on behalf of the complainant. The Commission disposes off the above petition, in light of the pendency of the above case in the Special Court; however, petitioner has liberty to file fresh complaint, if the Special Court holds the Respondent responsible for any violation.
4. Ordered accordingly.

Sd/-
(J. P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P. D. Sudhakar)
CHAIRPERSON