

## **Delhi Electricity Regulatory Commission**

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

F.11 (1232)/DERC/2015-16

### **Petition No. 34/2015**

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

**In the matter of:**

Sanjeev Jain  
Son of Late Sh. S. C. Jain  
B094, Shashi Garden  
Gali No. 10, Patpar Ganj  
Delhi – 110 091

.....**Complainant**

VERSUS

BSES Yamuna Power Ltd.  
Through its: **CEO**  
Shakti Kiran Building,  
Karkardooma,  
Delhi-110 092

.....**Respondent**

**Coram:**

**Sh. P. D. Sudhakar, Chairperson, Sh. J.P. Singh, Member & Sh. B.P. Singh, Member**

**Appearance:**

1. Petitioner in person.
2. Sh. Manish Srivastava, Counsel for the Respondent
3. Shri I U Siddiqui, Legal Officer, BYPL.
4. Shri Munish Nagpal, Sr MGR, BYPL

**ORDER**

(Date of Hearing: 23.07.2015)

(Date of Order: 03.08.2014)

1. The instant petition has been filed by Shri Sanjeev Jain under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd for Non-compliance of Final Order of the Commission (DERC) dated 30.12.2014 corrigendum dated 07.01.2015 in case No. 45/2013.
2. Notice of the petition was issued to the respondent on 08.05.2015 to file its reply.

3. In response to the above notice, the Respondent filed its reply on 22.07.2015 and has sought dismissal of the above complaint on the grounds that:
- a) The Respondent has issued a cheque bearing no. 855987 drawn on axis bank dated 18.02.2015 in favour of Sanjeev jain by hand but the same was refused and hence having no option, vide covering letter dated 25.02.2015 along with original above said cheque was sent through speed post.
  - b) That the speed post was delivered to the Complainant herein on 02.03.2015.
  - c) A compliance report along with proof of compliance was also submitted to the Commission informing this Commission that the Respondent has complied with the direction issued vide Order dated 07.01.2015.
  - d) That the officials had visited the premises of Petitioner for reconnection of supply on several occasion between 10.02.2015 and 17.02.2015, however persons present at site refused to get the same reconnected stating that petitioner is out of station.
4. The matter was listed for hearing in the Commission on 23.07.2015, which was attended by the petitioner and Counsels/representatives of the Respondent. During the hearing, the Petitioner submitted that the Respondent has failed to comply with the Orders of the Commission (DERC) dated 07.01.2015, whereby the Commission had imposed a compensation under Section 57 of the Electricity Act, 2003 of Rs. 11,400/- (Rupees Eleven Thousand Four Hundred) only to be paid to the consumer.
5. On the issue of non compliance of the Order of the Commission, the Counsel for the Respondent submitted that a letter dated 25.02.2015 from BYPL along with a cheque No. 855987 dated 18.02.2015 was issued to the

complainant in compliance of Order dated 07.01.2015. Copy of the delivery report was also submitted to the Commission informing that the Petitioner was delivered the cheque but he has deliberately not encashed it so as to make a case of non-compliance against the Respondent.

6. The Counsel for the Respondent further submitted that the officials had visited the premises of Petitioner for reconnection of supply on several occasion between 10.02.2015 and 17.02.2015, however persons present at site refused to get the same reconnected stating that petitioner is out of station. Inspite of various visits, the complainant did not allow the officials of the Respondent to reconnect the supply
7. The representative for the Respondent submitted that he has brought a new cheque for Rs 11,400/- as the earlier one received by the Petitioner has expired on not being encashed and is ready to hand over it to the Petitioner in Order to comply with the direction issued vide Order dated 07.01.2015. However, the Petitioner, Shri Sanjeev Jain refused to accept the same, even on the directions from the Commission. In view of this he is no more entitled to receive any compensation.
8. On the basis of above, the Commission finds that the Respondent, on several instances, has made efforts to comply with the Orders of the Commission (DERC) dated 07.01.2015, but could not do so due to non-cooperation from the Petitioner. In the present situation, the allegation of non-compliance of Order dated 07.01.2015 by the Respondent is not sustainable and failure to the compliance of Order may not be attributed to the Respondent.
9. The petition is not admitted and ordered accordingly.

Sd/-  
(B. P. Singh)  
Member

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson