Delhi Electricity Regulatory Commission

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

Petition No. 24/2006

In the matter of :

Surjeet Singh
768, Village Patparganj,
New Delhi - 110091 .....Complainant

Through: Shri V.K. Goel, Advocate,
Ch. No. 749, W.W. Tis Hazari, Delhi.

VERSUS

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

Coram:

Sh. P.D.Sudhakar, Chairman, Sh. Shyam Wadhera, Member & Sh. J. P. Singh, Member.

ORDER
(Date of Order: 17.08.2011)

1. The present complaint has been filed by the above named petitioner against the Respondent BYPL for non-compliance of order of the Commission made on dated 03.11.2006 in petition no. 24/2006.

2. In the said application the petitioner has prayed to issue directions to the Respondent company for compliance of the above order or to produce the compliance report in question in the interest of justice.

3. In the impugned order of the Commission dated 03.11.2006, the Hon'ble Commission while holding respondent company responsible for violating the provisions of section 56 of EA, 2003 as well as Regulation 22 of the DERC (Performance Standards – Metering & Billing) Regulations 2002, while disconnecting the electricity connection of the complaint, imposed a penalty of Rs. 10,000/- on the Licensee for its failure to comply with relevant statutory provisions. In addition, an amount of Rs.10,000/- in lump sum was also awarded to the Complainant as compensation. The licensee was further asked to submit a compliance report of the above order within 30 days from the date of issue.

4. Taking action on the above application of complainant the Commission issued notice to the respondent company on 29.07.2008 for seeking reply. In response to this notice the company reply on 18.08.2008. In its reply the respondent company submitted that it has already complied with the directions issued in the impugned order by issuing a cheque bearing No. 920095 on 01.12.2006 for Rs.10,000/- in favour of complainant as compensation vide speed post 07.12.2006 at the address mentioned in the complaint. The respondent has further submitted that against the imposition of the penalty of Rs.10,000/- the Respondent deposited the said amount of penalty vide cheque bearing No.920094 dated 01.12.2006 with the Hon'ble Commission.

5. However, to settle the above issue on merit and to ascertain the compliance of the order of the Commission, the Commission issued an another show cause notice under section 146 to the Respondent to produce, evidence to substantiate its documentary claim of compliance of the above order. The Commission also directed the Respondent to file the above documentary evidence on affidavit.

6. Following the above the respondent has filed affidavit reply on 08.08.2011 which has been taken on record.

7. In its affidavit the respondent has submitted the photocopy of the letter and cheque in support of his claim. It has also submitted the receipt of speed post.

8. The above documentary evidence clearly establish that the respondent has complied the order of the Commission in true spirit by issuing cheques of Rs.10,000/- in favour of each against compensation as well as penalty.

9. Therefore, keeping in view of the above, the Commission is of the opinion that there is no merit in the above application of the complainants, and hence the same is disposed off.

1o. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(J. P. Singh)	(Shyam Wadhera)	(P. D. Sudhakar)
MEMBER	MEMBER	CHAIRMAN