

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

**Petition No. 31/2006**

**In the matter of:**

Vikas Industries  
PP-26, Gali No. 10,  
Anand Parbat,  
New Delhi.

.....Complainant

Through: Shri O.P. Ahuja, Advocate,  
B-74, Amar Colony,  
Lajpat Nagar-IV, New Delhi-24.

**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. R. Krishnamoorthy, Member. .**

**Appearance :**

1. Sh. O.P. Ahuja, Advocate on behalf of the Complainant.
2. Sh. Kishan Lal, Complainant.
3. Sh. Parmanand, Complainant.
4. Sh. Hemant Gupta, Advocate on behalf of the Respondent.
5. Sh. Rajeev Ranjan, Sr. Officer (Legal), BYPL.
6. Sh. R.K. Kachroo, HOD (Enf.), BYPL
7. Sh. Gurcharan Singh, Manager, BYPL.

**ORDER**

(Date of Hearing: 28.11.2006)  
(Date of Order: 06.03.2007)

1. The Complainant has submitted that he is having a meter K. No. 1141-DL02-0013 with sanctioned load of 11.19 kw. He got the premises bifurcated and the same meter was used to supply electricity to both the premises. The meter got burnt and the officials of the Respondent made a direct supply on 03.05.2006. Thereafter, the Respondent issued two direct theft bills against the Complainant.

2. In respect of bill no. YAENE 080520060005, where an amount of Rs. 14,20,323/- was reflected, the Respondent agreed to withdraw the said demand

since it was conceded that the supply was made direct by the Respondent's officials. However, in respect of the second bill no. YAENE 080520060004, where an amount of Rs. 29,43,212/- was reflected, the Complainant approached PLA II where the Respondent furnished evidence collected from the site in support of their case of direct theft. The Hon'ble PLA II closed the matter as unsettled vide its order dated 08.06.2006.

3. The Complainant has submitted that the bill of direct theft for 38.081 kw is uncalled for, unless it is proved by documentary evidence. He has further submitted that the Respondent have maliciously overlooked the provisions of Regulation 20(iii)(d) of DERC (Performance Standards – Metering & Billing) Regulations, 2002, which are reproduced below:

***“20(iii)(d) In case the meter is found burnt and there is reason to believe that an official of the licensee gave a direct connection, pending replacement of meter, a case of direct theft shall not be booked. Consumer's complaint for replacement of burnt meter or the complaint regarding disruption in supply of energy shall be considered sufficient for this purpose.”***

4. He has further submitted that the Respondent are intimidating him by filing a case in the Special Court under Section 153 of the Electricity Act, 2003.

5. The Respondent in their reply have raised the following preliminary objections:

- (i) The jurisdiction of the Commission in the case of theft of electricity.
- (ii) The Respondent have lodged FIR against the Complainant on 07.10.2006 with Police Station, Anand Parbat, New Delhi.
- (iii) The Complainant is running an industrial activity in a non-conforming area.

6. The Respondent have further submitted that the load of 11.19 kw is sanctioned in favour of Smt. Sujata Khanna and not in favour of the Complainant. There are two different premises which have not been bifurcated as submitted by the Complainant. The Complainant was found indulging in direct theft of electricity during the inspection on 03.05.2006. The direct theft case for an amount of Rs. 14,20,323/- in respect of the premises bearing no. PP-

26, Gali No. 10, Anand Parbat, has already been settled vide the PLA's order dated 15.06.2006.

7. The Complainant was consuming the supply directly at T-4/1, Gali No. 10, Anand Parbat, New Delhi and there was no meter installed at the said premises at the time of inspection conducted by the Respondent. The Respondent have further submitted that the supply sanctioned for one premises cannot be used in a different premises due to any reason.

8. The Complainant, in his rejoinder, have submitted that the Respondent have filed the case in the Special Court just to debar the Commission from entertaining this case on the ground of jurisdiction.

9. Considering the matter in entirety and the fact that a case for theft of electricity is lodged against the Complainant, the Commission decides not to entertain the Petition and dismisses the same.

10. Ordered accordingly.

Sd/-  
(K. Venugopal)  
MEMBER

Sd/-  
(R. Krishnamoorthy)  
MEMBER

Sd/-  
(Berjinder Singh)  
CHAIRMAN