

Delhi Electricity Regulatory Commission

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

No. F.11(733)/DERC/2011-12/C.F.No.3107/424

Petition No. 58/2011

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

AND

In the matter of :

Sh. Vivek Mathur
H.No. 3, G/F, Vijay Chowk,
Krishan Nagar,
Delhi-110 051

....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;
3. Sh. Vivek Mathur, Complainant.

ORDER

Date of Hearing: 10.04.2012
(Date of Order: 26.04.2012)

1. The instant complaint has been filed by Sh. Vivek Mathur, against the Respondent company under section 142 of the Electricity Act, 2003. He is R/o H-3, G/F, Vijay Chowk, Krishna Nagar, Delhi- 110 051 and having electricity connection K. No. 1220R2160233.

2. The brief matrix of the case is that the premises of the complainant was inspected by the Respondent's official on 17.03.2011, wherein the complainant's meter was removed since the meter reading was not downloaded properly by the reader. It has been alleged that hologram seal, LCD, LED and ultrasonic welding of meter were found intact and OK. The complainant was given show cause notice with the intimation of personal hearing on 19.04.2011. The complainant stated that he visited the office of the Respondent on the same day, where he was not given personal hearing and was informed that his case will be decided on the basis of filing of submissions. The complainant received a Speaking Order on 18.05.2011 i.e. almost a month later though Regulation 53 of Supply Code provides that the Respondent after giving full consideration to the facts submitted by the complainant shall pass a Speaking Order within three days. It has also been laid down in the said Regulation that Speaking Order must contain the contents of the written as well as oral submissions and reasons for rejection or acceptance for the same. The Complainant has alleged that by not hearing the complainant in person and not issuing the order within three days, the Respondent has violated the above Regulation, as the above order was passed after 30 days of personal hearing. The complainant has also alleged that the action of the Respondent's official for disconnection of his supply without serving a disconnection notice was illegal and in violation of Regulation 54 of Supply Code.
3. The Respondent has filed an affidavit on 21.02.2012 stating that the aforesaid matter has already been amicably settled between petitioner and Respondent company before Special Lok Adalat conducted by the Delhi State Services Authority on 10.12.2011. In support of the above, the Respondent has enclosed a copy of the order dated 10.12.2011, wherein, both parties have agreed to withdraw all cases pending in any court of law in respect of the above settled bill.

4. The above matter was listed on 10.04.2012 for hearing in the Commission, which was attended by the petitioner and above representatives of the Respondent. After hearing both parties, the Commission decided that since the matter has already been settled in the Special Lok Adalat, which is also binding under section 22(E)4 of Legal Services Authority Act, 1987, therefore, it is barred by doctrine of res-judicata (Section 11 of CPC), hence, the instant complaint is disposed of in terms of the above provision of law and the specific order of the Special Lok Adalat.
5. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON