

# **Delhi Electricity Regulatory Commission**

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

F.11(593)/DERC/2010-11/C.F.No. 2543/5426

## **Petition No. 52/2010**

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

AND

**In the matter of :**

Zakiuddin  
F-32, Indira Market,  
New Seemapuri,  
Shahdara,  
Delhi.

**...Complainant**

## ***VERSUS***

BSESYamuna Power Limited  
Through its : CEO  
Shakti Kiran Building,  
Karkardooma,  
Delhi .

**....Respondent**

## **Coram:**

**Sh. Shyam Wadhera, Member & Sh. J.P. Singh, Member.**

## **Appearance:**

1. Sh. Manish Srivastava, Advocate, BYPL;
2. Sh. P.K. Mahur, Officer Legal, BYPL.

## **ORDER**

(Date of Hearing: 13.12.2011)

(Date of Order: 22.12.2011)

1. Complainant Sh. Zakiuddin R/o F-32, Indira Market, New Seema Puri, Shahdara, Delhi is the user of K.No. 121116210848 (installed in the name of Mohd. Jabir Hussain).
2. He has filed this complaint under section 142 stating that while booking a case of DAE, the Respondent has not complied with the

Regulations 52, 53 & 54 of the Supply Code and hence violated the same.

3. On 13.08.2009, the consumer meter got burnt and a complaint was lodged in divisional office of the Respondent at Dilshad Garden.
4. On 19.08.2009, the meter of the consumer was changed.
5. On 06.01.2010, the premise of the consumer was inspected.
6. After around three months on 02.03.2010, the consumer received a show cause notice for DAE, showing date of issue as 02.02.2010.
7. On 03.03.2010, the consumer attended the personal hearing and refuted the charges of alleged theft.
8. On 20.04.2010, the consumer received a speaking order along with DAE bill of Rs. 1.28 lakh.
9. The consumer has alleged that DAE case has been booked in violation of regulation 52, 53 & 54 of Supply Code Regulations 2007 i.e.

(a) The inspection was not made by the authorised officer,

(b) The inspection report was not prepared at site and was also not got signed by the consumer.

(c) The inspection report states that the necessary videography has been done but the photographs have not been attached in the petition.

(d) The meter was tested in his absence without giving him any notice and in their own laboratory and not in NABL Laboratory.

(e) Test report has not been submitted which is required to ascertain the veracity of the case. No artificial means or illegal resistance found inside the body of the meter, where as meter found O.K. and LCD & LED O.K. Only meter inputs terminal found burnt.

10. However, the Respondent has submitted that :

At the time of inspection, connected load was found to be 7.86 kW, where as the sanctioned load was 3 kW. The average consumption of the consumer has been determined as 8.64% of the normative consumption as per LDHF formula.

11. As per the speaking order the meter RTC, MD history data was found disturbed.

12. The average consumption of the consumer is very low which gives rise to the suspicion that the meter may have been tampered with using ESD device/high frequency coil applied.

13. The Respondent, in addition to filing its para wise reply has also filed an affidavit on Oath on dated 29.09.2011 stating that during the pendency of this case, the aforesaid matter had been amicably settled between both parties i.e. petitioner and respondent company, in June, 2010 and the complainant has also paid full payment as per settlement and no dispute remains in between both parties.

14. In pursuance of the above affidavit, Commission issued a letter on 07.10.2011 to the complainant seeking his confirmation on the above settlement and gave 15 days time to reply.

15. The complainant was also informed through the letter that in absence of his reply, it will be presumed that he is no more interested to press his prayer /grievance and the said complaint shall be treated as amicably settled and withdrawn.
16. In response to the above, the petitioner through his counsel has filed an application for withdrawal of his above complaint.
17. Since the Respondent has requested for withdrawal of the above complaint stated to have been amicably settled, therefore, in view of the above, the present petition is disposed off as considered amicably settled and withdrawn.
18. Ordered accordingly.

Sd/-

(J. P. Singh)  
MEMBER

Sd/-

(Shyam Wadhera)  
MEMBER