

Delhi Electricity Regulatory Commission

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

F.11 (1508)/DERC/2017-18

Petition No. 38/2017

Under section 142 of the Electricity Act, 2003

In the matter of:

Shri Islamuddin,
S/o Shri Kale Khan,
F-61, Sunder Nagri, Nand Nagri,
Delhi – 110093

.....Complainant

VERSUS

BSES Yamuna Power Ltd.
Through its: CEO
Shakti Kiran Building,
Karkardooma
New Delhi – 110092

.....Respondent

Coram: Sh. B.P. Singh, Member.

Appearance:

1. Shri Suraj Prakash, on behalf of the Petitioner.
2. Shri Manish Srivastava, Advocate for Respondent;
3. Shri Shagun, Advocate for Respondent.
4. Shri I U Siddiqui, BYPL.
5. Shri Munish Nagpal, DGM, BYPL.

INTERIM ORDER

(Date of Hearing: 25.01.2018)

(Date of Order: 01.02.2018)

1. The instant petition has been filed by Shri Islamuddin, under Section 142 of the Electricity Act, 2003 against BSES Yamuna Power Ltd for violation of the procedure regarding booking of theft case as laid down in Regulations of the Delhi Electricity Supply Code and Performance Standards Regulation 2002.
2. The matter was heard on 25.01.2018. The counsel for the Respondent raised the issue of delay in filing the Petition after 13 years and submitted that on the ground of delay the Petition may not be admitted.

3. The Authorized representative of the Petitioner submitted that this is not a delay of 13 years, as the notice for payment of dues against direct theft was received by the Petitioner on 18th January, 2012. The Authorized representative of the Petitioner further submitted that the petitioner is residing in the premises and has electricity connection since 2002 and the so called notice/bills received on 18th January, 2012 pertain to the case of direct theft against two persons namely M/s Rahis Garments and Sh. Israr. When the Respondent threatened to remove the meter of the Petitioner for non-payment of so called direct theft bills, the Petitioner had approached the Special Court of Electricity through a suit for permanent injunction for directing Discom from disconnecting the supply of electricity connection of the Petitioner. The suit was dismissed by the Special Court of Electricity on 06.09.2017 as it was not maintainable. The Petitioner filed the instant Petition on 17.07.2017, hence there is no delay in filing the present petition.
4. The Commission directed both the parties to submit their written submission within two weeks on admissibility of the Petition.
5. The matter was adjourned. The next date of hearing shall be intimated to the parties in due course.
6. Ordered accordingly.

Sd/-
(B. P. Singh)
Member