BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Petition No. 602 /2009

Quorum
Shri Desh Deepak Verma, Chairman
Shri I. B. Pandey, Member

In the matter of:

Application dated 19.3.2009 under Section 35 of the UP Electricity Reforms Act 1999 along with Section 185 of the Electricity Act 2003 against the Orders dated 30.6.2008 & 3.2.2009 passed by the Director Electrical Safety, and an application dated 13.4.2009 for the interim relief.

In the matter of:

M/s U. P. Alloys Pvt. Ltd.
Bharuwa, Sumerpur,
District Hamirpur Petitioner

Versus

1. Director Electrical Safety,
   Gomti Nagar,
   Lucknow
2. Dakshinanchal Vidyut Vitran Nigam,
   Through its Chairman
3. Executive Engineer,
   Electricity Distribution Division,
   Dakshinanchal Vidyut Vitran Nigam
   Hamirpur

Respondents

ORDER
(Hearing held on 22.09.2015)

The application has been filed under Section 35 of the UP Electricity Reforms Act 1999 along with Section 185 of the Electricity Act 2003 against the Orders dated 30.6.2008 & 3.2.2009 passed by the Director Electrical Safety.

Director, Electrical Safety has filed the reply as per the direction of the Commission. They have submitted that the matter has been disposed vide Vivadh /Vadh No. 32/1998 – 99 orders dated 30.6.2008 & 3.2.2009 copies of which have also been submitted.

During the hearing Shri Dhruv Mathur, Advocate appeared on behalf of the petitioner. The petitioner submitted that the power department found all the seals of the meter intact and MRI was done there some variation are found, so it is the matter of section 136 and not the matter of

theft. The matter is concerned with defective meter. Final report of the police was submitted and Chief Judicial Magistrate decided that the matter is not of theft. Before the Director Electrical Safety that the matters pertains to theft of electricity, so Director Electrical Safety can't decide the matter. Director Electrical Safety opined the same. The Electricity Department has not filed any appeal against the CJM Order. The petitioner requested that the matter may be remanded back to the Director Electrical Safety

The Commission enquired the counsel of UPPCL whether the petition is maintainable. Shri A. S. Rakhra replied that the petition is maintainable.

The Commission directed UPPCL to submit in writing the following:

1. Evidence regarding theft of Electricity.
2. Details of any appeal / order against CJM order by any competent Court.

The petitioner was absent whereas the respondent was represented by Shri A. S. Rakhra, Advocate. The respondent requested to grant six weeks time to file the reply. The Commission grants the same.

During the hearing on 22.9.2015 the respondent submitted that the Executive Engineer, Hamirpur which states as follows:

"आपके द्वारा हमीरपुर एलायज इण्डस्ट्रीयल एरिया भरूआ सुमेरपुर के विषय में यह जानना चाहा गया है कि जिला हमीरपुर में हमीरपुर एलायज का विद्युत चोरी के सम्बन्ध में किसी भी न्यायालय में कोई वाद लम्बित है।

सादर अवगत कराना है कि विभागीय अधिवक्ता श्री सैय्यद मोहम्मद शरीफ–उल हसन जी द्वारा अवगत कराया गया कि जनपद – हमीरपुर में हमीरपुर एलायज के विद्युत चोरी के सन्दर्भ में कोई भी वाद लम्बित नही है।

पूर्व अधिशाषी अभियन्ता, विद्युत वितरण खण्ड, हमीरपुर द्वारा कोई भी प्रोटेस्ट अपील किसी भी न्यायालय में दाखिल की गयी है, ऐसा अभी तक मेरी जानकारी में नही है। रिपोर्ट सेवा में सादर प्रेषित है।''

The petitioner submitted that this Hon'ble Commission may kindly be pleased to set aside / quash the orders dated 30.6.2008 & 3.2.2009 passed by the Director, Electrical Safety and direct Director, Electrical Safety to re adjudicate the matter.

After going for order dated 3.2.2009 by Director, Electrical Safety and copy of the order dated 3.10.2007 passed by ADJ – I, Hamirpur rejecting different Final Reports . There is reasonable

ground to presume that the copy of the order submitted by petitioner regarding acceptance on 27.9.2001 is not final.

The Commission directs the petitioner to submit affidavit to the effect that no judicial proceedings are pending against the petitioner in any Court of Law pertaining to theft of electricity under crime no. 264 / 98.

(I. B. Pandey)
Member

(Desh Deepak Verma)
Chairman

Dated: 10.11.2015