

**DELHI ELECTRICITY REGULATORY COMMISSION**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017**

**F.11 (1437)/DERC/2016-17**

**Petition No. 54/2016**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

Shri Satish Chand,  
S/o Late Shri Bhoop Singh,  
H. no. 82A, Block 21, DDA Flats,  
Sarai Kale Khan, New Delhi

.....**Complainant**

**VERSUS**

BSES Rajdhani Power Ltd.  
Through its: **CEO**  
BSES Bhawan  
Nehru Place  
New Delhi-110019

.....**Respondent**

**Coram:**

**Sh. B.P. Singh, Member**

**Appearance:**

1. Shri Anand Shailani, Advocate for the Petitioner;
2. Shri Deepak Pathak, Advocate for the Respondent.
3. Shri Sudip Bhattacharya, GM, Enforcement, BRPL
4. Shri Aruj Mathur, Legal Manager, BRPL;

**INTERIM ORDER**

(Date of Hearing: 08.03.2017)

(Date of Order: 14.03.2017)

1. The instant petition has been filed by Shri Satish Chand, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure as laid down in Regulations of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007.
2. The above matter was listed for hearing in the Commission, wherein both the parties were present. During the hearing, the counsel for the Respondent submitted that the present petition is for compensation which may not be granted under Section 142 of the Electricity Act, 2003. Secondly, the matter

was settled between the parties and the settlement was acted upon. Therefore, the petitioner may not back out of a settlement unilaterally and file the instant petition. It was further argued by the counsel that the petitioner has filed this petition after a delay of approximately 10 years and therefore, is liable to be dismissed on the ground of limitation because equity demands that a remedy may be available to the Petitioner, only if the similar remedy is available to the Respondent i.e. to file a case at this juncture before the Special Court against the Petitioner for theft of electricity.

3. The Counsel for the Petitioner sought time to file an amended application under the correct provisions of the Act.
4. The Commission accepted the request of the petitioner and directed to file an application for amendment in petition within a week with a copy to the Respondent. The Respondent may file a reply to the amendment of application within a week thereafter.
5. The matter was adjourned and the next date of hearing shall be intimated to the parties in due course
6. Ordered accordingly.

Sd/-  
(B. P. Singh)  
Member