



**Delhi Electricity Regulatory Commission**  
**ViniyamakBhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017**

F.11(1943)/DERC/2021-22

**Petition No. 14/2022**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

**Nabanita Sarkar**

..... **Petitioner**

**VERSUS**

**BSES Rajdhani Power Ltd.**  
**Through its: CEO**

.....**Respondent**

**Coram:**

**Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson**  
**Hon'ble Dr. A.K. Ambasht, Member**

**Appearance:**

1. Shri Rahul Sarkar, Advocate for the Petitioner
2. Shri Akhil Hasija, Advocate for the Respondent

**ORDER**

(Date of Hearing: 16.03.2022)  
(Date of Order: 16.03.2022)

Heard Shri Rahul Sarkar, Counsel for the Petitioner as well as Shri Akhil Hasija, Counsel for the Respondent, who has submitted that a copy of the petition has not been given to him. However, he raises a preliminary objection. He has submitted that whatever he has heard from the arguments of the Petitioner's Counsel it appears that there is an Assessment Order which is under challenge. He has submitted that quashing of an Assessment Order is not within the domain of the Petition filed under Section 142 of the Electricity Act, 2003 before the DERC. We are also of the considered opinion that the appropriate forum is not the Commission but the Court prescribed under the Act under the chapter of Investigation and Enforcement. Shri Rahul Sarkar confronted and tried to argue

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that there are violations and which can be covered under Section 142 but we are not inclined to appreciate his arguments. At this juncture, he has fairly submitted that he does not want to pursue this petition in the present format and the grounds. He has submitted that he wants to withdraw the petition to pursue his remedy in accordance with law before the appropriate forum. The liberty is granted. The petition is dismissed without any observations, being not maintainable under law.

**Sd/-  
(Dr. A.K. Ambasht)  
Member**

**Sd/-  
(Justice Shabihul Hasnain 'Shastri')  
Chairperson**