

**BEFORE THE ADJUDICATING OFFICER UNDER THE ENERGY
CONSERVATION ACT, 2001**

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11 (2343)/DERC/2025-26

Petition No. 38/2025

In the matter of: **Petition Under Section 27 of the Energy Conservation Act, 2001 for adjudication of the penalty under Section 26 of the Energy Conservation Act, 2001 by the Adjudicating Officer.**

The Bureau of Energy Efficiency (BEE)

..... Petitioner

Versus

1. New Delhi Municipal Corporation

.....Respondent No. 1

**2. The Energy Efficiency & Renewable Energy
Management Centre**

.....Respondent No. 2

CORAM:

Hon'ble Sh. Ram Naresh Singh, Adjudicating Officer-Cum-Member, DERC

Appearance:

- 1. Mr. Kartikey Nayyar, Advocate, BEE**
- 2. Ms. Poorva Aggarwal, Advocate, BEE**
- 3. Mr. Anil K. Airi, Senior Advocate, NDMC**
- 4. Mr. Ravi Krishan Chandna, Advocate, NDMC**
- 5. Mr. Anand Upadhyay, Advocate**
- 6. Mr. Saad Sherwani, Advocate, NDMC**
- 7. Mr. Vishal Tyagi, Advocate, NDMC**
- 8. Mr. Harsh Gautam, Advocate, NDMC**

Record of Proceedings

(Date of Hearing: 11.11.2025)

(Date of Order: 11.11.2025)

1. Heard. Ld. Counsel for Respondent No. 1 (NDMC) stated that an Application seeking condonation of delay in filing reply by Respondent No.1 has been filed today *inter alia* on the ground that the Assistant Standing Counsel for NDMC, who was assigned the case, was suffering from typhoid from 23.08.2025 to 30.09.2025, as a result of which he was unable to attend office or perform professional duties during the said period. It has been further submitted that apart from the above, some time was consumed in collecting data, verifying records, and obtaining approvals from official of NDMC concerned with the subject matter of the Petition, for finalizing the Reply and that the delay is thus neither deliberate nor intentional.

2. Ld. Counsel for the Petitioner confirmed the receipt of the copy of the aforesaid application by the Petitioner. Ld. Counsel raised specific objection that the proof of illness of the Counsel, as stated in the aforesaid application, has not been filed by the Respondent No. 1.
3. It is observed that the delay of 24 days in filing Reply by Respondent No. 1 being not so inordinate, the same can be allowed. Moreover, Rejoinder has also been filed by the Petitioner. Hence, the Application is allowed and the Reply of Respondent No. 1 is taken on record.
4. Arguments were advanced by Ld. Counsel for the Petitioner as to the maintainability of the Petition and applicability of the Energy Conservation Act, 2001 ("the Act") and the Bureau of Energy Efficiency (Manner and Interval for conduct of Energy Audit in Electricity Distribution Companies) Regulations, 2021 ("2021 Regulations") for imposing penalty under Section 26 of the Energy Conservation Act, 2001 on the Respondent No. 1 for non-compliance of the relevant provisions. Ld. Senior Counsel appearing on behalf of Respondent No. 1 argued the matter on preliminary issue of the maintainability of the instant Petition and non-applicability of the Act and 2021 Regulations on NDMC.
5. The parties sought further time to file their written note/submissions on the issue. As requested, two weeks' time is hereby granted to file written note/submissions by the parties, advance copy whereof be also served to the opposite parties.
6. List on 05.12.2025 at 02:30 PM for further arguments.

Sd/-
(Ram Naresh Singh)
Adjudicating Officer-Cum-Member