



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

F.11(1875)/DERC/2021-22

Petition No. 38/2021
Under section 142 of the Electricity Act, 2003

In the matter of:

BSES Rajdhani Power Ltd.
Through its: CEO

.....Complainant

Versus

1. P.P. Buildwell Pvt. Ltd.

2. Classic Care Utilities Pvt. Ltd.

3. Westend Mall Occupants Welfare Association

.....Respondents

CORAM:

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

Appearance:

1. Shri Manish Kumar Srivastava, Advocate for Petitioner
2. Shri Rahul Sarkar, Advocate for Respondent No. 1 & 2
3. Shri Sameer Bhatnagar, Advocate for Respondent No. 3

INTERIM ORDER

(Date of Hearing: 09.09.2021)

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1. An application was moved in the morning on behalf of the opposite party no. 3 by Shri Dinesh Kumar Sabbarwal. However, Shri Sameer Bhatnagar has argued the matter. The application was moved to the effect that the matter may be preponed and heard today on urgent basis. Shri Manish Kumar Srivastava and Shri Rahul Sarkar are present. Shri Manish Srivastava submitted that BSES officers had reached the site for grant of individual connections, if the members of the association make applications individually or hand over the premises to BSES Rajdhani Power Ltd. Shri Rahul Sarkar who appears for opposite party nos. 1 & 2 has submitted that he does not have any objection to the move of these assets and he is willing to hand over these assets any time as assured by him on the last occasion.

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Shri Bhatnagar has however submitted that it will take a little time for the individual members, who have to submit their individual applications but the same will positively be done within 15 days from today. Shri Manish Kumar Srivastava has submitted that if the applications are in order they will start issuing individual connections.

2. Before the order could be completed Shri Manish Kumar Srivastava has submitted that not only individual applications, but space will have to be provided by the association for sub-station for providing connection for common area. It appears that the dispute is not covered u/s 142 of the Electricity Act, 2003. The Petition earlier have been entertained on compassionate grounds. There are individual disputes and there are disputes within the association, they are not within the purview of Section 142 of the Electricity Act, 2003. We are of the considered opinion that the petition is not maintainable, however, on the compassionate ground one month's further time is allowed to all the three parties to settle the disputes amicably or else the orders passed in the earlier petition will be vacated and the petition will be dismissed. Shri Manish Kumar Srivastava will be well advised not to pay/take any harsh and coercive action so far this connection is concerned, till the next date.
3. List this case on 12.10.2021.

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

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