



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.

Interim Order
(Date of Hearing: 31.08.2021)
(Date of Order: 31.08.2021)

1. Case has been called out. Mr. Manish Srivastava is present for the Petitioner. Mr. Rahul Sarkar represents opposite parties No. 1 & 2, PP Buildwell Private Ltd. as well as M/s Classic Care Utilities Pvt. Ltd. Mr. Manish Srivastava has made a statement that in compliance of the directions given by this Commission earlier, the property documents etc. have not been handed over by opposite parties No. 1 & 2 till date. Sh. Rahul Sarkar has referred to two letters dated 29.12.2020 as well as 17.03.2021 as available on page no. 331 and 402 of the records of this case. Mr. Manish Srivastava has submitted that despite these letters, physical possession has not been handed over, though the officers of BSES Rajdhani Power Ltd. have approached them several times. Mr. Rahul Sarkar has submitted that the letters are bonafide and the BSES officers are unwilling to take the

WEAR FACE MASK

WASH HANDS REGULARLY

MAINTAIN SOCIAL DISTANCING

possession while he is willing to comply the Commission's Orders. Be that as it may, there appears to be some misunderstanding. Both the Counsels, Mr. Manish Srivastava as well as Mr. Rahul Sarkar as officers of this Commission, have very fairly submitted that it will be appropriate that in this regard a date be fixed by this Commission so that the officers of the Petitioner as well as the personnel of the Respondents may be present on a particular date i.e. 09.09.2021 and there may be no confusion. It will be also appropriate that opposite party no. 3 may also be informed to be present at the site on the aforesaid date. It has been informed that Mr. Desh Raj Sethi was the authorized representative of the Mall's Owners Welfare Association. He is not present today but the order was passed in his presence and at a period when he was a responsible official of the welfare association. He is bound by the order of this Commission passed earlier in his presence. Accordingly, he too may take cognizance of this order and facilitate the compliance under the Electricity Act, 2003. Sh. Manish Srivastava will be well advised to take personal care that the information of this order is available to Mr. Desh Raj Sethi in writing. It is expected that all the three parties will be respectful towards the Commission's order and not force the Commission to take any coercive action or impose penalties under the law. We will appreciate if the orders are complied with during this period.

2. Case for hearing will be listed on 12.10.2021.

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

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