

DELHI ELECTRICITY REGULATORY COMMISSION

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110 017

F.11 (1170)/DERC/2014-15

Petition No. 59/2014

In the matter of: Petition filed under section 142 of Electricity Act, 2003

And

In the matter of:

Charan Singh Maan
S/o Yashwant Singh,
Flat No. c2/2125 (2nd Floor) Vasant Kunj,
New Delhi – 110070

.....**Complainant**

VERSUS

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

.....**Respondent**

Coram:

Sh. P. D. Sudhakar, Chairperson, Sh. J. P. Singh, Member & Sh. B. P. Singh, Member.

Appearance:

1. Petitioner in person
2. Shri P.K. Gupta, Manager, BRPL.
3. Shri S. Bhattacharya, DGM Enforcement, BRPL.

INTERIM ORDER

(Date of Hearing: 30.04.2015)

(Date of Order: 07.05.2015)

1. The instant petition has been filed by Shri Charan Singh Maan, under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in Regulation 52 and 53 of the Delhi Electricity Regulatory Supply Code and Performance Standards Regulations, 2007.
2. The matter was listed for hearing in the Commission today, which was attended by the petitioner and Counsel/representatives of the Respondent. During the hearing, the Counsel of the Respondent raised objections on the following issues:

- i. **Lack of jurisdiction:** that the complaint is in respect of case which took place in the year 2004 when the Delhi Electricity Regulatory Commission (Performance standards metering and billing) Regulation, 2002 was in force. The present petition is filed under Section 142 of the Electricity Act, 2003, which is a subsequent legislation and the Commission has no jurisdiction to entertain the complaint.
 - ii. **Barred by limitation:** that the present complaint is for the incident which is more than 10 years old and therefore barred by limitation.
3. Regarding jurisdiction of DERC under Section 142 of the Electricity Act, 2003, it is made clear that though the Delhi Electricity Regulatory Commission (Performance standards metering and billing) Regulations, 2002 was made under Delhi Electricity Reforms Act, 2000 but the same is saved under Section 185 (3) of the Electricity Act, 2003. Section 185 (3) of the Electricity Act, 2003 provides that:

“185 (3) the provisions of the enactments specified in the Schedule, not inconsistent with the provisions of this Act, shall apply to the States in which such enactments are applicable.”

The Delhi Electricity Reforms Act, 2000 is one of the enactments in the Schedule, therefore DERC have jurisdiction to adjudicate upon the issue.
4. The Petitioner sought time to file his reply on the issue of limitation and other points raised in the written submission of the Respondent.
5. The Commission accepted the prayer of the Petitioner and granted two weeks time to file rejoinder with a copy to be served to the Respondent.
6. The next date of hearing to decide about the admission of the Petition shall be intimated to the parties in due course.
7. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(J. P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson