

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11 (1277)/DERC/2015-16

Petition No. 64/2015

Under section 142 of the Electricity Act, 2003

In the matter of:

Dhanish Goyal
R/o 45/18, G/F, LSC Market,
Dakshin Puri Extn.,
New Delhi – 110062

.....**Complainant**

VERSUS

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

.....**Respondent**

Coram:

Sh. Krishna Saini, Chairperson & Sh. B.P. Singh, Member

Appearance:

1. Shri Vinod Kumar, Advocate for the Petitioner;
2. Shri Manoj Baka, along with the Petitioner;
3. Shri Manish Srivastava, Advocate for Respondent.
4. Shri Arav Kapoor, Advocate for Respondent.
5. Shri P.K. Gupta, Sr. Manager, BRPL.
6. Shri Aruj Mathur, Manager, BRPL.

INTERIM ORDER

(Date of Hearing: 14.07.2016)

(Date of Order: 26.07.2016)

1. The instant petition has been filed by Shri Dhanish Goyal under Section 142 of the Electricity Act, 2003 against BSES Rajdhani Power Ltd. for violation of the procedure laid down in the Delhi Electricity Supply Code and Performance Standards Regulations, 2007.
2. The matter was listed for hearing in the Commission today, which was attended by both the parties. During the hearing, the counsel on behalf of

the Respondent submitted that the Petitioner has entered into a settlement with the Respondent in the same matter and, therefore, cannot wriggle out of a settlement to file the instant Petition.

3. However, the counsel for the Petitioner controverted the Respondent and submitted that since the Respondent itself has violated the settlement and has filed a complaint before Special court of Electricity against the Petitioner and thus the settlement is frustrated. Therefore, he had no other option but to file the instant Petition.
4. The counsel on behalf of the Respondent submitted that the matter was settled on 16.09.2011 before Permanent Lok Adalat – I for an amount of Rs. 3,95,000/- to be paid in installments and the Petitioner has already paid Rs. 3,35,000/-. In order to avoid payment of balance amount of Rs. 60,000/- he has filed the instant Petition. He further stated that it was agreed that in case petitioner defaults in making the payments of any of the installments, he shall be liable to make the payment of the full amount of the impugned bill. Since, the Petitioner failed to comply with the Order passed by the Permanent Lok Adalat - I, the Respondent in order to recover the amount, filed a complaint before Special court of Electricity, Saket.
5. The Counsel for the Petitioner submitted that the Respondent is still ready for settlement if the Petitioner is willing to pay the balance amount of settlement.
6. The Commission directed the parties to file their respective written submissions on the status of settlement within two weeks so as to determine maintainability of the Petition.

7. The matter was adjourned. The next date of hearing shall be intimated to the parties in due course.

8. Ordered accordingly.

Sd/-
(B. P. Singh)
Member

Sd/-
(Krishna Saini)
Chairperson