

## **DELHI ELECTRICITY REGULATORY COMMISSION**

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

**F.11 (1603)/DERC/2018-19**

### **Petition No. 37/2018**

Under section 142 of the Electricity Act, 2003

**In the matter of:**

Shri N K Bhandari

.....**Complainant**

**VERSUS**

BSES Rajdhani Power Ltd.

**Through its: CEO**

.....**Respondent**

**Coram: Hon'ble Mr. Justice S S Chauhan, Chairperson**

**Appearance:**

1. Ms. Ritu jain, Advocate for the Petitioner,
2. Shri Manish Srivastava, Advocate for Respondent.

### **INTERIM ORDER**

(Date of Hearing: 27.05.2019)

(Date of Order: 28.05.2019)

1. An application has been moved by the Petitioner insisting therein that in spite of the fact that a Civil Suit is pending in respect of the theft which has been challenged as a whole before the Civil Court, the proceedings before the Commission may continue u/s 142 of the Electricity Act, 2003.
2. The contention of the Petitioner has to be considered in the light of the fact that when the theft as a whole is under challenge before the Civil Court then what kind of evidence is led, which facts are proved before the Civil Court and whether the Civil Court accepts the contention of the Petitioner in respect of certain evidence adduced by them or in the cross examination, the Respondent itself demolishes the case set up in the claim. All these factors are dependent upon the evidence adduced in the Civil Court. The Petitioner states that before the Civil Court the evidence of the Petitioner has been concluded. In light of the fact that the evidence led by the Petitioner has been concluded, this application cannot be entertained and the Petitioner has to await the decision of the Civil Court.
3. In view of the above, this application is rejected.
4. List the matter on 03.12.2019.

**Sd/-  
(Justice S S Chauhan)  
Chairperson**