

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.**

No. F.11(475)/DERC/2008-09/

**Petition No.02/2009**

**In the matter of : Interpretation of Regulation 65 and Schedule III of DERC  
Supply Code & Performance Standard Regulation, 2007  
dated 18.04.2007 ("Supply Code")**

BSES Rajdhani Power Ltd.  
Through its : CEO  
BSES Bhawan, 2<sup>nd</sup> Floor,  
C-Block, Nehru Place,  
New Delhi 110019,

**Coram:**

**Sh. P.D. Sudhakar, Chairman, Sh. Shyam Wadhera, Member &  
Sh. J.P. Singh, Member.**

Appearance:

1. Mr. Amit Kapur, Advocate,
2. Mr. Anupam Varma, Advocate
3. Mr. Dipika Kalra
4. Mr. Rajeev Chowdhury, BRPL
5. Mr. Ajay Kumar, BRPL
6. Mr. Anuj Aggarwal, BRPL

**ORDER**

(Date of Hearing: 17.11.2011)

(Date of Order: 05.12.2011)

1. The Petitioner prayed that this Commission may be pleased to :-
  - (a) Clarify and hold that:-
    - (i) Discoms are entitled to ascertain and verify the genuineness of the complaints
    - (ii) Consumers will have to make claims for compensation in terms of Regulation 62, 63, 65 & 66 of the Supply Code and;
    - (iii) Consumers will be entitled to compensation only after they make a claim.
    - (iv) Compensation shall not be levied in cases, where for the breach of Standard of Performance, the Petitioner has no reasonable control over the cause of such breach.

- (b) Set aside the Communication dated 17.10.2007, 31.12.2007 & 03.12.2008 issued by this Hon'ble Commission
2. Ld. Counsel, Mr. Amit Kapur appearing for BRPL submitted that since the Commission is shortly holding a public hearing on draft Delhi Electricity Supply Code and Performance Standard Regulations therefore, this Petition may be treated as their representation/comments on draft Delhi Electricity Supply Code and Performance Standard Regulations.
3. The Commission heard Ld. Counsel Sh. Amit Kapur, at some length and accepted his request to treat this Petition as their representation/comments on draft Delhi Electricity Supply Code and Performance Standard Regulations.
4. Accordingly, this Petition is disposed off.
5. Ordered Accordingly.

Sd/-  
(J.P. Singh)  
Member

Sd/-  
(Shyam Wadhera)  
Member

Sd/-  
(P.D. Sudhakar)  
Chairman