

**COURT-II**

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**Appeal No. 281 of 2015 & IA No. 460, 480 of 2015 & IA No. 167 of 2016**

**Dated** : **1<sup>st</sup> April, 2016**

**Present** : **Hon'ble Mr. Justice Surendra Kumar, Judicial Member**  
**Hon'ble Mr. Munikrishnaiah, Technical Member**

**In the matter of:-**

**The Tata Power Delhi Distribution Ltd.** .... **Appellant(s)**

**Versus**

**Delhi Electricity Regulatory Commission & Ors.** ... **Respondent(s)**

Counsel for the Appellant(s) : Mr. Amit Kapur,  
Mr. Vishal Anand &  
Mr. Anupam Varma  
Mr. Rahul Kinra &  
Mr. Devashish Marwah for TPDDL

Counsel for the Respondent(s) : Mr. Nikhil Nayyar  
Mr. Dhananjay Baijal for R-1  
Mr. H.S.Phoolka, Sr. Adv.  
Mr. Sumeet Pushkarna,  
Mr. Siddhartha Nagpal for R-3  
Mr. A.P.Jain  
Mr. S.K.Chaturvedi for R-3 (DTL)  
Mr. Brijendra Singh  
Mr. Malay Dwivedi  
Mr. S.P.Singh, Sr. Exe. for DTL  
Mr. Matrugupta Misra  
Mr. Nimesh Kr. Jha for DVBEA  
Mr. Karn Kumar

**ORDER**

The IA No.167 of 2016 filed on behalf of the appellant, the Tata Power Delhi Distribution Ltd. being IA No. 167 of 2016 in Appeal No. 281 of 2015 seeking permission to file the judgment rendered by the Division Bench of Hon'ble High Court dated 17.03.2016. Since,

the judgment of the Division Bench of Hon'ble Delhi High Court is taken on record and IA No.167 of 2016 so far is concerned only with the filing of judgment of Hon'ble Delhi High Court, is hereby disposed of.

The Hon'ble Division Bench of Delhi High Court in Paragraph 27 of the judgment dated 17.03.2016 have observed as under :

*“For the foregoing reasons, this Court is of opinion that the impugned judgment in Rosy Jain (supra) and the judgments in all other writ petitions that were allowed by the learned Single Judges cannot be sustained; they are set aside. The Pension Trust shall process and disburse the payments-if not already made; if made by the Appellants, they would be able to claim and recover the amounts paid out by them to the Pension Trust. The latter shall reimburse the amounts within 8 weeks. The appeals are allowed in the above terms; there shall be no order on costs”.*

In view of this observation of Hon'ble Delhi High Court, it is incumbent upon us to confine ourselves, being a Tribunal, only to the legality or correctness of the Impugned Order challenged in the instant appeal. Thus, we are proceeding to hear the appeal on merits. Since, the judgment of the Division Bench of Hon'ble Delhi High Court dated 17.03.2016 has been filed today, we deem it proper to **vacate the Interim stay order dated 08.12.2015 granted by us.** We, vide our Interim Order dated 08.12.2015 directed as under:

*“ In view of the earlier judgment passed by this Tribunal which is quoted hereinabove, we deem it proper to stay the operation of the impugned order dated 29.09.2015 till the next date of hearing”.*

Now, it is made clear that the judgment dated 17.03.2016 passed by Division Bench of the Hon'ble Delhi High Court in the aforesaid matter will govern the field.

Post this appeal for arguments on **30<sup>th</sup> May, 2016.**

( T. Munikrishnaiah )  
Technical Member

( Justice Surendra Kumar )  
Judicial Member

sh/kt