

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Dated: 12th January, 2015

Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

In the matter of:

Appeal No. 27 of 2014 &
I.A. No. 286 of 2014

Indraprastha Power Generation Ltd.Appellant(s)
Versus
Delhi Electricity Regulatory Commission & Ors. ...Respondent(s)

Appeal No. 28 of 2014 &
I.A. No. 287 of 2014

Pragati Power Corporation Ltd.Appellant(s)
Versus
Delhi Electricity Regulatory Commission & Ors. ...Respondent(s)

Appeal No. 32 of 2014 &
I.A. No. 288 of 2014

Delhi Transco Ltd. ... Appellant(s)
Versus
Delhi Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant (s) : Mr. Anand K. Ganesan

Counsel for the Respondent(s) : Mr. Manu Seshadri for R.1
Mr. C.S.Vaidyanathan, Sr. Adv.
Mr. Vishal Anand for BRPL
Mr. Rahul Kinra for R.2 & R.3

ORDER

Learned counsel for the Appellant has drawn our attention to the Order passed by the Supreme Court in Civil Appeal No. 884 of 2010 and other companion Appeals on 26.03.2014 . The relevant portion relied on by learned counsel for the Appellant is as follows: -

“ In the meantime, the distribution companies will continue to pay the current payments to the generating and transmission companies with effect from 1st March, 2014 which will relate to the billing period from 1st January, 2014”.

Learned counsel for the Appellant states that Respondent Nos. 2 & 3 are in breach of the above direction of the Supreme Court.

Learned counsel for Respondent Nos. 2 & 3 submits that an Application has been moved by Respondent Nos. 2 & 3 for modification of the above Order. Learned counsel for Respondent Nos. 2 & 3 further submits that Respondent No.2 has made current payments up to October, 2014 and Respondent No.3 has made current payments up to September, 2014 . Learned counsel for the Appellant, on the other hand, submits that from March 2014 onwards, the Respondents had to pay to the Appellant an amount of Rs. 518.18 Crores, however, only Rs. 309.76 Crores have been paid.

Since Respondent Nos. 2 & 3 have moved an Application for modification of the above mentioned Order and the Supreme Court is seized of the matter, we refrain from passing any Order. We are informed that the modification Application is listed before the Supreme Court on 15.01.2015.

Hence, list the matter on 12.02.2015 for passing appropriate orders.

(Rakesh Nath)
Technical Member
Ts/vg

(Justice Ranjana P. Desai)
Chairperson