

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

I.A. NO. 31 of 2017 IN APPEAL NO. 271 OF 2013

Dated: 24th January, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

**Tata Power Delhi Distribution Ltd.
Vs.**

...Appellant(s)

Delhi Electricity Regulatory Commission

...Respondent(s)

Counsel for the Appellant(s) : Mr. Gopal Jain, Sr. Adv.
Mr. Rahul Kinra
Mr. Anurag Bansal

Counsel for the Respondent(s) :

ORDER

This application is filed in disposed of Appeal No. 271 of 2013. We have heard Mr. Gopal Jain, learned senior counsel for the appellant. He has drawn our attention to the judgment dated 20.07.2016 whereby Appeal no. 271 of 2013 is disposed of. Paragraph 9.5 of the judgment is reproduced as under:-

"We direct the Delhi Commission to expedite the process of determination of tariff for Rithala plant and determine the tariff within four months from today and till then allow actual cost of generation incurred by the appellant towards procurement of power from Rithala station. This issue is accordingly allowed and decided in favour of the appellant".

The grievance of Mr. Gopal Jain is that this direction is not complied with. It is, therefore, prayed in this application that a direction be given to the Delhi Electricity Regulatory Commission (the State Commission) to implement the above direction. Though, we find some substance in Mr. Gopal Jain's contention, we would like to keep the question open as to what proceedings should be filed in this court for securing compliance of the above quoted direction of the State Commission.

In the peculiar facts and circumstances, we issue notice to the respondent returnable on 27.02.2017, leaving the above question open. Dasti, in addition is granted.

List the matter on 27.02.2017 at 2.30 p.m.

(T. Munikrishnaiah)
Technical Member

Ss/pr

(Justice Ranjana P. Desai)
Chairperson