

Court-II

In the Appellate Tribunal for Electricity, New Delhi
(Appellate Jurisdiction)

R.P. No. 4 of 2016 and IA No. 147 of 2016 in A.No.255 of 2013

Dated : 16th May, 2016

Present: HON'BLE MR. JUSTICE SURENDRA KUMAR, JUDICIAL MEMBER
HON'BLE MR. T MUNIKRISHNAIAH, TECHNICAL MEMBER

In the Matter of:

Delhi Transco Ltd.

... Appellant(s)

Versus

Delhi Electricity Regulatory Commission
Tata Power Delhi Distribution Ltd.

... Respondent(s)
Review Petitioner

Counsel for the Appellant(s) : Mr. Vishal Anand and Mr. Rahul Kinra
for TPDDL, Review Petitioner

Counsel for the Respondent(s) : Mr. Anand K. Ganesan and Ms Neha
Garg and Mr. Sandeep Raj Purohit for
R.1
Mr. H.S.Phoolka Sr. Adv. Along with
Mr. Sumeet Pushkarna, Mr. Surender
Babbar, Secy.Pension Trust for Pension
Trust
Mr. Pradeep Misra for DERC

ORDER

Mr. Phulka, learned Sr. Advocate, clearly admits that the Pension Trust was not a party to the main Appeal, being Appeal No.255 of 2013, which appeal has been decided vide our judgment dated 01.02.2016. Paragraph 16.3 of our judgment speaks of the Commission's decision to contribute pension fund, a lump sum of Rs.400/- Crores in the ARR. The grievance of Mr. Phulka, on behalf of the pension Trust, is that if the amount of Rs.400/- Crores is to be considered in a Review Petition then he should be heard at least to watch the interest and welfare of the pensioners who are already suffering a lot because of the said litigation of the parties.

In these circumstances, we are well aware of the fact that Pension Trust was not a party to the main appeal but if Pension Trust is heard we think the interest of the justice would be better served. We do not think it proper to order impleadment of

Pension Trust as Pension Trust was not a party to the main appeal but at least we can hear the submissions of Mr. Phulka on paragraph 16.3 of our judgment which is affected in the Pension Trust so far as the amount of Rs.400/- Crores is concerned.

Learned counsel for the DTL who was appellant in the main appeal prays for and is granted one week's time to respond to the Review Petition. Mr. Phulka may also file his written submissions within a week from today, limited to the point of review only and not beyond that.

Post this Review Petition for hearing on **11th July, 2016.**

(T. Munikrishnaiah)
Technical Member

(J. Surendra Kumar)
Judicial Member

sh/kt