## Before the Appellate Tribunal for Electricity

(Appellate Jurisdiction)

## APPEAL No. 113 & 114 of 2011

Dated:  $15^{th}$  December, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson

Hon'ble Mr. V.J. Talwar, Technical Member

North Delhi Power Limited ... Appellant(s)

Versus

D.E.R.C. & Anr. ....Respondent(s)

Counsel for the Appellant(s): Mr. Manish Srivastava and Mr. Anurag Bansal

Counsel for the Respondent(s): Mr. Buddy A. Ranganadhan for D.E.R.C. and

Mr. Sugam Seth for R-1

## **ORDER**

The main grievance of the Appellant in both the Appeals is that the procedure which is to be followed while invoking Section 142 of the Act has not been followed in this case while giving a finding as against the Appellant.

We have heard the learned counsel for the Appellant as well as the learned counsel for the Commission.

It is now noticed that in respect of the very same issue, we have decided a case and also prescribed the procedures to be followed in Appeal No. 183 of 2010 dated 19.04.2011.

Therefore, in view of the fact that the issue has already been decided earlier by this Court in Appeal No. 183 of 2010, we deem it

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appropriate to set aside the impugned Order and remand the

matter to the State Commission to hear the parties concerned and

pass an Order in the light of the ratio decided by this Tribunal in

the above Judgment.

With this observation, the Appeal is disposed of. It is open to

the Appellant to raise all the contentions urged in this Appeal

before the Commission.

(V.J. Talwar) Technical Member (Justice M. KarpagaVinayagam ) Chairperson

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