

**COURT-I**

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

**Appeal Nos. 306 & 307 of 2013**

**Dated: 7<sup>th</sup> August, 2014**

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. Rakesh Nath, Technical Member**

**Appeal No. 306 of 2013 &  
I.A. No. 242 of 2014**

**M/s Maithon Power Ltd. ... Appellant(s)**

**Versus**

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

**Counsel for the Appellant(s) : Mr. Mazag Andrabi**

**Counsel for the Respondent(s) : Mr. Nikhil Nayyar  
Mr. Dhananjay for R.1**

**Appeal No. 307 of 2013  
I.A. No. 243 of 2014**

**M/s Maithon Power Ltd. ... Appellant(s)**

**Versus**

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

**Counsel for the Appellant(s) : Mr. Mazag Andrabi**

**Counsel for the Respondent(s) : Mr. Nikhil Nayyar  
Mr. Dhananjay for R.1  
Mr. Arav Kapoor for R-2**

**ORDER**  
**I.A. nos. 242 & 243 of 2014**  
***(Appls. for Amendment of Appeal)***

We have heard the Learned Counsel for both the parties.

These Applications have been filed for amendment of the Appeals in Appeal No.306 of 2013 and Appeal No.307 of 2013.

It is noticed that the Appellant, as against the Impugned Order passed by the Delhi Commission holding that it has no jurisdiction to decide the issue in question, has filed these Appeals. During the pendency of these Appeals, these Applications for amendment have been filed seeking permission to raise the point with reference to the merits of the matter also.

These Applications seeking for permission to raise the points with reference to the merit, have been stoutly opposed by the Respondents.

As correctly pointed out by the learned Counsel for the Respondents, the Delhi Commission has passed the Impugned Order only in respect of the issue of jurisdiction and not with reference to the merits of the matter and therefore, these Applications for amendments cannot be entertained.

Accordingly, these Applications for amendment in IA no. 242 of 2014 in Appeal no. 306 of 2013 and IA no. 243 of 2014 in Appeal no. 307 are dismissed.

Post the main Appeals for hearing on **28.08.2014 at 12.30 p.m.** In the meantime, the Appellant is directed to file a written note only with regard to the issue relating to the jurisdiction of the Delhi Commission on or before 12.8.2014 after serving copy on the other side.

**(Rakesh Nath)**  
**Technical Member**  
mk/kt

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**