

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

**Appeal No. 61 of 2012 &
IA No. 280 of 2012**

Dated : 21st December, 2012

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

B.S.E.S. Rajdhani Power Ltd. ...Appellant (s)

Versus

Delhi Electricity Regulatory CommissionRespondent(s)

Counsel for the Appellant (s) : Mr. S. Ganesh, Sr. Adv.
Mr. Mansoor Ali Shoket
Mr. Vishal Anand
Mr. Saket Musinapally

Counsel for the Respondent (s) : Mr. Ravi S.S. Chauhan
Mr. Prateek Dahiya a/w
Mr. Kaabir H. Khan (Rep.) for DERC

Ms. Swapna Seshadri, Amicus Curiae
Mr. B.B. Tiwari (Rep.)
Mr. Anil Sood (Rep.)

**Appeal No. 62 of 2012 &
I.A. No. 281 of 2012**

B.S.E.S. Yamuna Power Ltd. ...Appellant (s)

Versus

Delhi Electricity Regulatory CommissionRespondent(s)

Counsel for the Appellant (s) : Mr. S. Ganesh, Sr. Adv.
Mr. Mansoor Ali Shoket
Mr. Vishal Anand
Mr. Saket Musinapally

Counsel for the Respondent (s) : Mr. Ravi S.S. Chauhan
Mr. Prateek Dahiya a/w
Mr. Kaabir H. Khan (Rep.) for DERC

Ms. Swapna Seshadri, Amicus Curiae
Mr. B.B. Tiwari (Rep.)
Mr. Anil Sood (Rep.)

ORDER

Now the Memo of Objection has been filed by the Consumers with reference to the defects in filing the Appeal noticed by the Registry on 07.10.2011, which had been rectified by the Applicant/Appellant, and the same had been re-presented on 12.03.2012 with a long delay.

In this Memo of Objection, various allegations have been levelled as against the Applicant/Appellant with regard to the ***bona fide*** of the Appellant in re-presenting the Appeal on 12.03.2012 after rectification with the delay of 114 days.

These allegations have been stoutly denied by the learned Senior Counsel by filing an affidavit. We have gone through both the Memo of Objection filed by the Consumers as well as the reply by the Appellant.

In view of the several controversies found in the Memo of Objection , the Registry is directed to give a Report over the Memo

of the objections raised by the consumers and the response/reply filed by the Applicant/Appellant thereto, so that, suitable directions could be issued by this Tribunal for the future course of action. The said Report must be filed by the Registry on or before 31.12.2012.

Post the matter for hearing the matter on merits on **02.01.2013 at 2.30 p.m.**

(Rakesh Nath)
Technical Member
Ts/vs

(Justice M. Karpaga Vinayagam)
Chairperson