

COURT-II

BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

**Appeal no. 110 of 2014, Appeal no. 111 of 2014 and
Appeal no. 109 2014**

Dated : 3rd December, 2014

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of

Appeal no. 110 of 2014

BSES Rajdhani Power Ltd. ...Appellant(s)
Versus
Delhi Electricity Regulatory Commission ...Respondent(s)

Counsel for the Appellant(s) : Mr. Buddy A. Ranganadhan
Mr. Shardul Shroff
Ms. Pallvi Shroff
Ms. Ritu Bhalla
Mr. Ajoy Roy
Mr. Ashish Gupta

Counsel for the Respondent(s) : Mr. Nikhil Nayyar
Mr. Dhananjay Baijal

Appeal no. 111 of 2014

BSES Power Power Ltd. ...Appellant(s)
Versus
Delhi Electricity Regulatory Commission ...Respondent(s)

Counsel for the Appellant(s) : Mr. Buddy A. Ranganadhan
Mr. Ashish Gupta

Counsel for the Respondent(s) : Mr. Nikhil Nayyar
Mr. Dhananjay baijal

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Appeal no. 109 of 2014

Tata Power Delhi Distribution Ltd. ...Appellant(s)
Versus
Delhi Electricity Regulatory Commission ...Respondent(s)

Counsel for the Appellant(s) : Mr. C.S. Vaidyanathan, Sr Adv.
Mr. Sakya Singha Chaudhuri
Mr. Anand Shrivastava

Counsel for the Respondent(s) : Mr. Nikhil Nayyar
Mr. Dhananjay baijal

ORDER

Appeal no. 109 of 2014 has been argued at length by Shri C.S. Vaidyanathan, Learned Senior Counsel on behalf of the Appellant. The Learned Senior Counsel submitted that the State Commission had no jurisdiction to pass the impugned order. According to him the earlier order has merged with the impugned order dated 11.03.2014. The instant Appeal is pending against the impugned order dated 11.03.2014 which has today been argued at length on behalf of the Appellant. When the query from the Bench was made about the contention that the State Commission had no jurisdiction to pass the impugned order and the fact that earlier order dated 03.12.2009 had never been challenged in Appeal before this Tribunal, the Learned Senior Counsel seeks some time for filing the Appeal against the earlier order dated 03.12.2009 passed by the State Commission. Without making any comments on this state of affairs. We think it proper to grant time to the Learned Senior Counsel to take legal recourse as he thinks proper.

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Here we clearly mention that the Learned Counsel for the Respondent shall be at liberty to raise any objection at the appropriate time in case any another Appeal is filed.

Post the matter for further hearing on **08.01.2015.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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