

Court-I

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

Dated : 5th February, 2014

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

**IA-364 of 2013 in Appeal No. 265 of 2013 &
IA-357 of 2013**

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

**IA-365 of 2013 in Appeal No. 266 of 2013 &
IA-358 of 2013**

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

**Counsel for the Appellant (s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Hasan Murtaza
Mr. Arijit Maitra
Mr. Aditya Panda**

Counsel for the Respondent (s): Mr. Pradeep Misra for R.1

ORDER

We have heard the parties.

It is submitted by the Learned Senior Counsel for the Appellant that during the pendency of IA no. 364 of 2013 in Appeal No. 265 of 2013 and IA no. 365 of 2013 in Appeal No. 266 of 2013, notice dated 4.2.2014 has been issued by the Delhi Commission directing the Appellants to appear on 6.2.2014 and to make submissions with regard to the government's request for suspension of their licence through their letter dated 3.2.2014.

The Learned Senior Counsel for the Appellants further submit that even during pendency of above Interim Applications before this Tribunal, it is apprehended that Delhi Commission may pass some orders which may be prejudicial to the Appellant and, therefore, suitable directions may be given to the Delhi Commission not to proceed with the said proceedings and pass final order in the matter relating to suspension of licence.

We have heard the Learned Senior Counsel as well as the Learned Counsel for the Delhi Commission.

Having regard to the urgency of the matter, we deem it appropriate to direct the Appellants to appear before the Delhi Commission on 6.2.2014 and make their submissions with regard to the letter of Government and Delhi Commission may continue to proceed with the matter by hearing the parties concerned, but the Commission is directed not to pass the final order in the above proceedings without leave of the Tribunal during the pendency of these IAs.

As directed in the last occasion, the Learned Counsel for the Delhi Commission is filing additional Affidavit in these IAs today after serving copy on the other side.

Post the matter for further hearing the IA no. 364 of 2013 in Appeal No. 265 of 2013 and IA no. 365 of 2013 in Appeal No. 266 of 2013 on **12.02.2014**.

(Rakesh Nath)
Technical Member
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(Justice M. Karpaga Vinayagam)
Chairperson