

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
NEW DELHI
(ORIGINAL JURISDICTION)**

**ORIGINAL PETITION NO.3 OF 2022 &
IA NO.1076 OF 2022**

Dated: 14.07.2022

**Present: Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

In the matter of:

TATA POWER DELHI DISTRIBUTION LIMITED

[Through its Authorised Representative]

NDPL House, Hudson Lines,
Kingsway Camp,
Delhi-110009

Email: anurag.bansal@tatapower-ddl.com

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Petitioner

VERSUS

**DELHI PRADESH ELECTRICITY REGULATORY
COMMISSION**

[Through its Secretary]

Viniyamak Bhawan,
'C' Block, Shivalik,
Malviya Nagar,
New Delhi-110017

Email: secyderc@nic.in

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Respondent

Counsel for the Petitioner(s) : Mr. Sajan Poovayya, Sr. Adv.
Mr. Amit Kapur
Mr. Rahul Kinra
Ms. Raksha Agarwal
Mr. Abhishek Kalara
Ms. Alvia Ahmed
Ms. Pragya Agarwal
Mr. Aditya Gupta
Mr. Girdhar Gopal

Counsel for the Respondent(s) : Mr. Sujit Ghosh
Mr. Mohd Munis Siddique

J U D G M E N T (Oral)

PER HON'BLE MR. JUSTICE R.K. GAUBA, OFFICIATING CHAIRPERSON

1. This petition invoking the jurisdiction of this Tribunal under section 121 of Electricity Act, 2003, was preferred by the appellant – distribution licensee - seeking directions to the respondent Delhi Electricity Regulatory Commission (hereinafter referred to as “the State Commission”) to “pass urgent interim orders directing Ld. DERC to give impact of the issues which have crystallized in favour of Petitioner pursuant to Ld. DERC’s Order dated 11.11.2019 passed in Petition No.51 OF 2017 in the ensuring Tariff Order for FY 2022-23 forthwith”.

2. By its reply affidavit dated 10.03.2022, the State Commission has, *inter alia*, stated that it is a creature of the statute and also bound by the rule of law, not to be seen in violation of its own orders, mere filing of an appeal on the larger issues by it admittedly not being a ground for it to deny rightful claims which have already been sanctioned through its order dated 11.11.2019. With this premise, the State Commission has undertaken by the said reply “to allow impact of the claims approved vide its reply dated 11.11.2019 in petition no.51/2017 pertaining to the Rithala Power Plant”, and further to do so “in the upcoming tariff order” which concededly would be for Financial Year (FY) 2022-23. Concededly, the tariff order for FY 2022-20 should have been passed before the commencement of the said control period i.e. by 31.03.2022. For certain reasons, it is explained, there has been delay, though, upon instructions, the learned counsel for the State Commission assured that the tariff order for the next control period i.e. FY 2022-23 would be passed and issued by mid August, 2022.

3. We bind the State Commission with the solemn undertaking tendered to us through the above reply affidavit and would expect scrupulous compliance therewith.

4. The learned senior counsel for the petitioner, at this stage, submits that he does not press for any further directions in the petition at hand.

5. The petition along with pending application(s) is disposed of in above terms.

(Sandesh Kumar Sharma)
Technical Member

pr/tp

(Justice R.K. Gauba)
Officiating Chairperson