

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 141 OF 2025 & IA No. 822 OF 2025 & IA No. 823 OF 2025

Dated: 20th May, 2025

Present Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
 Hon`ble Ms. Seema Gupta, Technical Member (Electricity)

In the matter of:

BSES Rajdhani Power Ltd. Appellant(s)

Versus

Delhi Electricity Regulatory Commission Respondent(s)

Counsel on record for the Appellant(s) : Hasan Murtaza
Sameer Sharma
Ankit Kumar Sinha
for App. 1

Counsel on record for the Respondent(s) : --

ORDER

We had, by order dated 16.05.2025, issued notice to the DERC returnable on 20.05.2025, and had granted stay of the conditions imposed by the DERC, in Para 8 of the impugned order, till 21.05.2025.

Mr. Dhananjay Baijal, Learned Counsel, would submit that the Review Petition, filed by the Appellant earlier, is listed before the DERC at 2.30 p.m. today. Mr. Amit Kapur, Learned Counsel for the Appellant, would submit that, lest they be faulted for having availed two independent remedies simultaneously, they had, after filing the present appeal, filed an application before the DERC seeking its permission to withdraw the review petition.

We are of the view that the Appellant's contention of impossibility of compliance, with the conditions stipulated in Para 8 of the impugned order, should be examined by the DERC in the first instance; and therefore permit the Appellant herein to withdraw their application seeking

permission of the DERC to withdraw the review petition. Consequently, the review petition shall remain on the board of the DERC which shall, with utmost expedition, hear the Appellant and decide the review petition on its merits. The Appellant shall put-forth their submissions, during the hearing scheduled today at 2.30 p.m. before the DERC, and on any date which the DERC may adjourn the matter to. In case the DERC is satisfied that the Appellant is not co-operating in the hearing of the review petition, it is open to the DERC to consider passing an order on merits.

The interim order passed by us on 16.05.2025 shall continue to remain in force till the review petition is finally heard and decided by the Commission.

Mr. Amit Kapur, Learned Counsel for the Appellant, would submit that, in the light of the ensuing summer recess in the month of June, and in order to protect consumer interest and to avoid disruption of power supply to consumers in Delhi, the interim order be continued for a few days after orders are passed by the DERC to enable them to avail their judicial remedies, if need be.

Urgent applications will be taken up for hearing by this Tribunal even during the month of June, 2025. However, with a view to avoid any grievance which the Appellant may have on this score, we request the DERC, while passing final orders in the review petition, to bear in mind that the Appellant is entitled to avail its judicial remedies against any orders which the Commission may pass, which may take a few days for them to invoke.

The Appeals and the I.As therein stand disposed of accordingly.

Seema Gupta
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson