

COURT - I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 14 of 2012

Dated : 24th January, 2012

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

North Delhi Power Limited ... **Appellant(s)**

Versus

Delhi Electricity Regulatory Commission**Respondent(s)**

Counsel for the Appellant(s) : **Mr. Sitesh Mukherjee**
Mr. Sakya Singha Chaudhuri,
Mr. Anush A. Nagarajan,
Mr. Anand A. Srivastava with
Mr. Ajay Kapoor, Mr. Hemant &
Mr. Anurag Bansal (Reps.)

ORDER

Admit. Issue notice to the Respondents returnable on 12.03.2012. Dasti service is permitted. Issue public notice in Hindi and English as per format.

It is pointed out by the learned counsel for the Appellant by reading the relevant portion of the impugned Order, that in respect of some issues, the State Commission has not inclined to implement the Judgment of this Tribunal, on the ground that the Commission has proposed to file an Appeal as against the said

Judgment before the Hon'ble Supreme Court, which lacks the judicial propriety.

We want to get clarified as to whether such a stand could be taken by the Commission whose Orders are subject to Review of this Tribunal. On this issue, we want to hear the learned counsel for the parties.

We also deem it appropriate to appoint Mr. Sanjay Sen to act as Amicus Curiae in this matter to clarify this issue. With regard to this, we would like to get explanation from the Commission also. Therefore, the Commission on the next date of hearing shall be present through its counsel to give clarification.

Post the matter on **12.03.2012.**

(Rakesh Nath)
Technical Member
ts/vs

(Justice M. Karpaga Vinayagam)
Chairperson