

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

I.A. Nos. 71 & 72 of 2008 in Appeal No. 81 of 2007 and
I.A. Nos. 73 & 74 of 2008 in Appeal no. 82 of 2007

And

I.A. No. 88 of 2008 in Appeal No. 81 of 2007 and I.A. No. 89 of 2008 in
Appeal No. 82 of 2007

Dated: April 28, 2008

Present: Hon'ble Mr. A.A. Khan, Technical Member
Hon'ble Mrs. Justice Manju Goel, Judicial Member

I.A. No. 71 of 2008 in Appeal No. 81 of 2007

BSES Rajdhani Power Ltd. -Applicant(s)

Versus

Delhi Electricity Regulatory Commission & Ors. -Respondent(s)

I.A. No. 72 of 2008 in Appeal No. 81 of 2007

BSES Yamuna Power Ltd. -Applicant(s)

Versus

Delhi Electricity Regulatory Commission & Ors. -Respondent(s)

I.A. No. 73 of 2008 in Appeal No. 82 of 2007

BSES Rajdhani Power Ltd. -Applicant(s)

Versus

Delhi Electricity Regulatory Commission & Ors. -Respondent(s)

I.A. No. 74 of 2008 in Appeal No. 82 of 2007

BSES Yamuna Power Ltd. -Applicant(s)

Versus

Delhi Electricity Regulatory Commission & Ors. -Respondent(s)

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Counsel for the Applicant(s) : Mr. V.P. Singh & Mr. Anuj Berry

Counsel for the Respondent(s) : Mr. R.K. Mehta and Mr. Mragank for DERC
Mr. Mohit Jolly for NDPL
Mr. M.G. Ramachandran for Indraprastha

I.A. No .88 of 2008 in Appeal No. 81 of 2007

North Delhi Power Ltd. -Applicant(s)

Versus

Delhi Electricity Regulatory Commission & Ors. -Respondent(s)

I.A. No. 89 of 2008 in Appeal No. 82 of 2007

North Delhi Power Ltd. -Applicant(s)

Versus

Delhi Electricity Regulatory Commission & Ors. -Respondent(s)

Counsel for the Applicant(s) : Mr. Mohit Jolly

Counsel for the Respondent(s) : Mr. V.P. Singh and Mr. Anuj Berry for BRPL
&BYPL
Mr. R.K. Mehta and Mr. Mragank for DERC
Mr. M.G. Ramachandran for Indraprastha

ORDER

The applicants have sought clarifications in our judgment and order dated 10.1.08 in appeal nos. 81 and 82 of 2007 whether the liability arising as a consequence of allowing the appeal will be borne by them. In this connection, they have submitted that the cost of power purchased by the applicants till March 31, 2007 was determined on the basis of paying capacity of the applicants, the principles of which is enunciated in the bulk supply and retail tariff order passed in the year 2002. The learned counsel for the applicants have stated that they have assumed liability for

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the power purchase cost only with effect from April 1, 2007, when the PPAs between Transmission Company and the Generation Companies have been assigned to the applicants.

We clarify that the issue raised by the applicants is not within the scope of the appeal and not reference whatsoever was made during the hearing. We, however, direct the Commission to provide opportunity to the applicants to present their contentions to the Commission during the truing up exercise to be undertaken as a result of our order and decide as per law.

This disposes of the applications.

(Manju Goel)
Judicial Member

(A.A. Khan)
Technical Member