

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 4906/2015

BSES RAJDHANI POWER LTD.

Appellant(s)

VERSUS

DELHI ELECTRICITY REGULATORY, COMMISSION

Respondent(s)

IA No. 1/2015 - additional documents
IA No. 10595/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 137927/2023 - INTERLOCUTARY APPLICATION
IA No. 10593/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 7910/2011 (XVII)

C.A. No. 280/2012 (XVII)

CONMT.PET.(C) No. 141/2014 In W.P.(C) No. 328/1999 (PIL-W)
(FOR ON IA 1/2014)

C.A. No. 4343/2014 (XVII)
(FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2014
IA No. 2/2014 - PERMISSION TO FILE ANNEXURES)

W.P.(C) No. 104/2014 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 145037/2022
IA No. 145037/2022 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 105/2014 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 145051/2022
IA No. 145051/2022 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 4012/2014 (XVII)
(FOR EX-PARTE STAY ON IA 1/2014
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 2/2014
IA No. 1/2014 - EX-PARTE STAY
IA No. 2/2014 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 4011/2014 (XVII)
(FOR EX-PARTE STAY ON IA 1/2014
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 2/2014
IA No. 1/2014 - EX-PARTE STAY
IA No. 2/2014 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 4013/2014 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
1/2014

IA No. 1/2014 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 4010/2014 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
1/2014

IA No. 1/2014 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 5845/2014 (XVII)

C.A. No. 8387-8389/2014 (XVII)

(FOR EX-PARTE STAY ON IA 4/2014

IA No. 4/2014 - EX-PARTE STAY)

C.A. No. 8464-8466/2014 (XVII)

(FOR STAY APPLICATION ON IA 4/2014

IA No. 4/2014 - STAY APPLICATION)

CONMT.PET.(C) No. 83/2015 In W.P.(C) No. 104/2014 (X)

(FOR ON IA 1/2015

FOR ON IA 2/2015

IA No. 62371/2019 - APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(C) No. 59/2015 In W.P.(C) No. 105/2014 (X)

IA No. 62373/2019 - APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(C) No. 60/2015 In W.P.(C) No. 105/2014 (X)

(FOR ON IA 1/2015)

CONMT.PET.(C) No. 84/2015 In W.P.(C) No. 104/2014 (X)

(FOR ON IA 1/2015)

C.A. No. 8660-8661/2015 (XVII)

C.A. No. 4879/2015 (XVII)

IA No. 1/2015 - STAY APPLICATION)

C.A. No. 4933/2015 (XVII)

C.A. No. 6959-6960/2015 (XVII)

(FOR STAY APPLICATION ON IA 3/2015

IA No. 3/2015 - STAY APPLICATION)

C.A. No. 6169/2015 (XVII)

(FOR)

CONMT.PET.(C) No. 822/2016 In CONMT.PET.(C) No. 83/2015 In W.P.(C)
No. 104/2014 (X)

CONMT.PET.(C) No. 821/2016 In CONMT.PET.(C) No. 59/2015 In W.P.(C)
No. 105/2014 (X)

CONMT.PET.(C) No. 826/2016 In CONMT.PET.(C) No. 84/2015 In W.P.(C) No. 104/2014 (X)

CONMT.PET.(C) No. 827/2016 In CONMT.PET.(C) No. 60/2015 In W.P.(C) No. 105/2014 (X)

C.A. No. 12/2020 (XVII)

C.A. No. 1762/2020 (XVII)

(FOR STAY APPLICATION ON IA 20418/2020
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 27572/2020
IA No. 27572/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 20418/2020 - STAY APPLICATION)

C.A. No. 2929/2020 (XVII)

(FOR STAY APPLICATION ON IA 74447/2020
IA No. 74447/2020 - STAY APPLICATION)

C.A. No. 4899-4900/2021 (XVII)

(IA No.102683/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.102682/2021-STAY APPLICATION and IA No.110591/2021-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS and IA No.110600/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1005/2021 (X)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 164759/2022
IA No. 164759/2022 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 20-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) Mr. Siddhartha Chowdhury, AOR

Mr. Dr Abhishek Manu Singhvi, Sr. Adv.
Mr. Shri Venkatesh, Adv.
Ms. Kanika Chugh, Adv.
Mr. Ashutosh Kumar Srivastava, Adv.
Mr. Shryeshth Ramesh Sharma, Adv.
Mr. Bharath Gangadharan, Adv.
Mr. Nihal Bhardwaj, Adv.
Mr. Kartikay Trivedi, Adv.
Mr. Aashwyn Singh, Adv.
Mr. Adarsh Singh, Adv.
Mr. Nitin Saluja, AOR

Mr. Viresh B. Saharya, AOR

Mr. Nikhil Nayyar, Sr. Adv.
Mr. Dhananjay Baijal, AOR

Mr. Kapil Sibal, Sr. Adv.
Mr. Ajay Vohra, Sr. Adv.
Mr. Amit Kapur, Adv.
Mr. Buddy A. Ranganadhan, Adv.
Mr. Anupam Varma, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Rahul Kinra, Adv.
Mr. Aditya Gupta, Adv.
Mr. Aditya Ajay, Adv.
Ms. Isnain Muzamil, Adv.
Mr. Girdhar Gopal Khattar, Adv.
Mr. Sanjay Nair S, Adv.
Ms. Manisha Singh, Adv.
Ms. Shefali Tripathi, Adv.
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Ajay Vohra, Sr. Adv.
Mr. Amit Kapur, Adv.
Mr. Buddya A Ranganadhan, Adv.
Mr. Buddy A Ranganadhan, Adv.
Mr. Anupam Varma, Adv.
Mr. Rahul Kinra, Adv.
Mr. Aditya Gupta, Adv.
Mr. Aditya Ajay, Adv.
Mr. Sanjay Nair S., Adv.
Ms. Isnain Muzamil, Adv.
Ms. Manisha Singh, Adv.
Mr. Girdhar Gopal Khattar, Adv.
Mr. Sanjay Nair S, Adv.
Ms. Manish Singh, Adv.
Ms. Shefali Tripathi, Adv.
Mrs. Shefali Tripathi, Adv.
Mr. Avinash Das, Adv.
Mr. Sidharth Sethi, AOR

Mr. Sajan Povayya, Sr. Adv.
Mrs. Sanjanthi Sajan Poovayya, Adv.
Mr. Hemant Sahai, Adv.
Mr. Nitish Gupta, Adv.
Mr. Tushar Srivastava, Adv.
Ms. Varnika Tyagi, Adv.
Ms. Raksha Agarwal, Adv.
Ms. Nishtha Kumar, AOR
Mr. Shrom Sethi, Adv.
Ms. Nipun Sharma, Adv.

Mr. Rishabh Sehgal, Adv.
Ms. Pallavi Mohan, Adv.

Mr. Chirag M. Shroff, AOR
Mrs. Mahima C Shroff, Adv.
Mr. Anand Thumbayil, Adv.

Mr. R. Venkataramani, Attorney General for India
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Lakshmi Raman Singh, AOR
Mr. Tamim Qadri, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Saaed Qadri, Adv.
Mr. Shraveen Kumar Verma, Adv.
Mr. Saahil Gupta, Adv.

Mr. Nikhil Nayyar, Sr. Adv.
Ms. Pritha Srikumar Iyer, AOR
Mr. Naveen Hegde, Adv.
Mr. Kshitij Maheshwari, Adv.
Ms. Mansi Binjrajka, Adv.
Mr. Abhyudaya Shishodia, Adv.
Ms. Saumya Sinha, Adv.

For Respondent(s) Mr. Hasan Murtaza, AOR
Mr. K. V. Mohan, AOR
Mr. Satya Mitra, AOR

Mr. Vivek Singh, AOR
Mr. Ritik Dwivedi, Adv.

Mr. Siddhartha Chowdhury, AOR
Mr. Snehasish Mukherjee, Adv.
Mr. Shaffi Mather, Adv.

Mr. Pramod Dayal, AOR

Mr. R. Venkataramani, Attorney General for India
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Lakshmi Raman Singh, AOR
Mr. Tamim Qadri, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Saeed Qadri, Adv.
Mr. Shraveen Kumar Verma, Adv.
Mr. Saahil Gupta, Adv.

Mr. B. Krishna Prasad, AOR
Mr. Mukund P. Unny, AOR

Mr. Nikhil Nayyar, Sr. Adv.

Mr. Dhananjay Baijal, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Nitish Gupta, Adv.
Ms. Nipun Sharma, Adv.
Mr. Rishabh Sehgal, Adv.
Ms. Varnika Tyagi, Adv.
Ms. Nishtha Kumar, AOR
Mr. Shrom Sethi, Adv.
Ms. Pallavi Mohan, Adv.

Mr. Nikhil Nayyar, Sr. Adv.
Ms. Pritha Srikumar Iyer, AOR
Mr. Naveen Hegde, Adv.
Ms. Mansi Binjrajka, Adv.
Mr. Kshitij Maheshwari, Adv.
Mr. Abhyudaya Shishodia, Adv.
Ms. Saumya Sinha, Adv.

Mr. Arjun Krishnan, AOR

Mr. Siddharth Dave, Sr. Adv.
Mr. Shadan Farasat, Sr. Adv.
Mr. Abhishek Vikas, AOR
Mr. Ieeshan Sharma, Adv.

Mr. Adarsh Tripathi, AOR
Mr. Vikram Singh Baid, Adv.
Mr. Ajitesh Garg, Adv.

Ms. Manali Singhal, Adv.
Mr. Santosh Sachin, Adv.
Mr. Aakarsh Kamra, AOR
Ms. Shreya Singhal, Adv.
Mr. Deepak Rawat, Adv.

Mr. B. K. Satija, AOR
Ms. Pallavi Langar, AOR

Mr. K. M. Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Piyush Beriwal, Adv.
Ms. Shradha Deshmukh, Adv.
Mr. Shyam Gopal, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Rajat Nair, Adv.
Mr. Ishaan Sharma, Adv.

Mr. B. K. Satija, AOR

Mr. Harshad V. Hameed, Adv.

Mr. Rajat Bhardwaj, AAG
Mr. vivek Jain, DAG
Mr. Karan Sharma, AOR
Mr. Harshit Kumar, Adv.
Ms. Ishika Jain, Adv.

Ms. Sunieta Ojha, AOR
Ms. Gargi Kumar, Adv.

Mr. Sajan Povayya, Sr. Adv.
Mrs. Sanjanthi Sajan Poovayya, Adv.
Mr. Hemant Sahai, Adv.
Mr. Nitish Gupta, Adv.
Mr. Tushar Srivastava, Adv.
Ms. Varnika Tyagi, Adv.
Ms. Raksha Agarwal, Adv.
Ms. Nishtha Kumar, AOR
Mr. Shrom Sethi, Adv.
Ms. Nipun Sharma, Adv.
Mr. Rishabh Sehgal, Adv.
Ms. Pallavi Mohan, Adv.

Mr. M.T. George, Adv.
Mrs. Susy Abraham, Adv.
Mr. Johns George, Adv.

Mr. Mayank Sapra, Adv.
Mr. Lalima Das, Adv.

Mr. Subhash Chandran K. R., Adv.

Mr. Sahil Chandra, AOR

Mrs. Shirin Khajuria, Sr. Adv.
Ms. Bhavana Duhoon, AOR

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition Nos.104, 105/2014 & 1005/2021 and Civil Appeal Nos.
4010 & 4013 of 2014

1. Govt. of NCT of Delhi was to inform us about the decision with respect to the subsidies that are provided and the consequent creation of the "Regulatory Asset". Mr. Shadan Farasat, learned senior counsel appearing on behalf of Govt. of NCT of Delhi has

expressed certain difficulties which we would want the State Government to put in the form of an affidavit indicating the circumstances in which the necessary information about the policy decision cannot be taken.

2. Let the affidavit be filed within four weeks from today.

3. In our previous order, all the State Governments and the State Regulatory Commissions were impleaded as we felt that their presence is necessary for determining the principles that should govern the problem of creation and continuation of a "Regulatory Asset" for long period. The State Governments as well as the Regulatory Commissions may express their views on the matter in the form of affidavit/statements within a period of four weeks from today.

4. List these matters on 09.01.2025

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)