

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. 884 OF 2010

DELHI ELECTRICITY REGULATORY COMMISSION

Appellant (s)

VERSUS

B.S.E.S RAJDHANI POWER LTD. &amp; ORS.

Respondent(s)

(With appln(s) for vacating interim order and c/delay in filing counter affidavit and c/delay in filing rejoinder and permission to file additional documents and directions and office report)  
[FOR FINAL DISPOSAL]

WITH

Civil Appeal NO. 980 of 2010

(With appln.(s) for stay and c/delay in filing rejoinder and c/delay in filing counter affidavit and directions and permission to file additional documents and vacating interim order and office report)  
[FOR FINAL DISPOSAL]

Civil Appeal NO. 1854-1855 of 2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and office report)  
[FOR FINAL DISPOSAL]

W.P(C) NO. 104 of 2014

(With appln.(s) for interim relief)  
[FOR FINAL DISPOSAL]

W.P(C) NO. 105 of 2014

(With appln.(s) for interim relief)  
[FOR FINAL DISPOSAL]

Civil Appeal No.9003-9004/2011

(With appln.(s) for vacating interim order and directions and office report)  
[FOR FINAL DISPOSAL]

Civil Appeal NO. 4010 of 2014

(With appln.(s) for exemption from filing c/c of the impugned judgment)

Civil Appeal NO. 4011 of 2014

(With appln.(s) for ex-parte stay and exemption from filing c/c of the impugned judgment and office report)

Civil Appeal NO. 4012 of 2014

(With appln.(s) for ex-parte stay and exemption from filing c/c of the impugned judgment)

Civil Appeal NO. 4013 of 2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and office report)

Date: 26/03/2014 These cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE A.K. SIKRI

For Parties (s) Mr. Meet Malhotra, Sr. Adv.

Mr. Subramonium Prasad, Adv.

Mr. Rajiv Dalal, Adv.  
Mr. Mukul Rohatgi, Sr. Adv.  
Mr. U.U. Lalit, Sr. Adv.  
Mr. Amit Kapur, Adv.  
Mr. Anupam Varma, Adv.  
Mr. Vishal Anand, Adv.  
Mr. Jibran Tak, Adv.  
Mr. Rahul Kinra, Adv.  
Mr. Pukhrambam Ramesh Kumar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Ms. Tarunima Vijara, Adv.  
for M/s Suresh A. Shroff & Co.

Mr. L. Nageswara Rao, ASG.  
Mr. M.G. Ramachandran, Adv.  
Mr. K.V.Mohan, Adv.

Mr. Siddhartha Chowdhury, Adv.  
Mr. Swetketu Mishra, Adv.

Mr. S. Wasim A. Qadri, Adv.  
Mr. Harsha Rao, Adv.  
Mr. Zaid Ali, Adv.  
Mr. Harsha Peechara, Adv.  
Mr. Lakshmi Raman Singh, Adv.

Mr. Vivek Singh, Adv.  
Mr. Shivansh Singh, Adv.

Mr. Uttam Datt, Adv.  
Mr. Shubham Aggarwal, Adv.

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

Issue notice in Civil Appeal Nos.1854-1855/2014, 9003-9004/2011, 4010/2014, 4011/2014, 4012/2014 and 4013/2014.

We have heard learned counsel for the parties at length. We have also perused the directions issued by the Appellate Tribunal for Electricity in Order dated 11th March, 2014 in I.A. No.365 & 366 of 2014 in Appeal No.265 and 266 of 2013. In the said order dated 11th March, 2014, the Appellate Tribunal for Electricity has observed as follows:

"17. The Applicants/Appellants want us to direct the Commission to liquidate the Regulatory Assets in next 3 years. We are not inclined to pass such directions as we do not want to usurp the powers of the Commission. Only the Commission will be in a position to decide a proper road map after examining the present financial position of the Applicants after balancing the interests of the consumers and the distribution licensees. As the Regulatory Assets have accumulated to a huge amount the

recovery of the accumulated Regulatory Assets in a short period may result in huge tariff shock to the consumers which has to be avoided. The Commission has to examine why the Applicants/Appellants are not able to pay the current bills of

the generating companies and transmission licensees even though the Commission in the impugned order has provided for recovery of more than the current expenditure of the Applicants/Appellants including the power purchase cost and carrying cost on the Regulatory Assets by way of increase in tariff and surcharge of 8% over and above the tariff. On the other hand, we find that the Applicants are not making even the current payments to the generating and transmission companies."

Mr. Meet Malhotra, learned Senior Counsel appearing for the Delhi Electricity Regulatory Commission (DERC), has submitted that the aforesaid road map can be worked out provided the exact facts and figures and the required information is supplied to the DERC by the distribution companies.

Mr. Mukul Rohatgi, learned Senior Counsel appearing for the distribution companies, has submitted that all necessary information has already been submitted to the DERC. However, since the generating companies are also anxious to finalize the road map, the necessary information will be supplied again to the DERC provided a questionnaire is framed and supplied to the distribution companies indicating the exact information required.

In our opinion, the suggestion made by Mr. Rohatgi is reasonable. This would avoid unnecessary delay on the ground that necessary information has not been given. Let the necessary questionnaire/proforma be given to the distribution companies within 10 days from today. The information would be furnished/supplied by the distribution companies within 10 days thereafter to the DERC and within two weeks thereafter, the road map will be prepared by the DERC. In the meantime, the distribution companies will continue to pay the current payments to the generating and transmission companies with effect from 1st March, 2014 which will relate to the billing period from 1st January, 2014.

The interim order dated 7th February, 2014 with regard to no disconnection in the supply of electricity shall continue.

List the matters on 29th April, 2014.

(VINOD LAKHINA)	(INDU BALA KAPUR)	
COURT MASTER	COURT MASTER	