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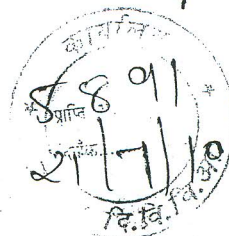
CONFIDENTIAL

DEPARTMENT OF POWER,
GOVT. OF NCT OF DELHI,
8TH LEVEL, B- WING DELHI SECRETARIAT,
I.P. ESTATE, NEW DELHI-110002

No. F.11(52)/2010/Power/PF-1/1958

Dated: 19/07/2010

Secretary (DERC)
Delhi Electricity Regulatory Commission
Viniyamak Bhawan,
Shivajik, Malviya Nagar
New Delhi – 110 017



Sub: Statutory Advice under Section 86(2)(iv) of the Electricity Act, 2003.

Sir,

I am directed to refer to your letter no. F.11(570)/DERC/2010-11/C.F.No.2293/, dated 30.6.2010.

Govt. of NCT of Delhi vide its letter dated 4.5.2010 has requested for statutory advice of the Commission under Section 86(2) (iv) of the Electricity Act, 2003. In reply, the above mentioned letter sent by Secretary (DERC) to Chief Secretary / Principal Secretary (Power) stated that the executive summary and statutory advice is issued with the approval of Chairperson. Therefore, advice of Law Department, GNCTD was sought. Department of Law, Justice and LA after detail examination of the matter has opined as under:

"It is clear that the matter of the statutory advice was not taken up in the meeting of the Commission as per Section 92 of the Electricity Act and other two members of the Commission have not endorsed the advice rendered by the Chairperson, DERC. Under these circumstances, the provisions of Section 92 of the Electricity Act, 2003 have not been complied with before sending the advice by the Chairperson to this Government. The advice rendered by the Chairperson may be treated as his personal advice and cannot be treated as statutory advice of the Commission in the absence of the voting by other member."

In view of the above, it is requested to provide statutory advice of the Commission as prescribed under Section 86(2) (iv) of the Electricity Act, 2003.


(Dr. Harish K. Ahuja)
Jt. Secretary(Power)