



**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.**

No. F.11(1867)/DERC/2021-22/7088

**Petition No. 29/2021**

**In the matter of:**      **Petition under Section 86 read with Section 63 of the Electricity Act, 2003 for seeking approval of the Power Sale Agreement dated 26<sup>th</sup> March, 2015 in terms of the DERC (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) Regulations 2012 read with DERC Comprehensive Conduct of Business Regulations, 2001.**

**Rays Power Experts Pvt. Ltd.**

**.... Petitioner**

**Versus**

**New Delhi Municipal Council**

**.....Respondent**

**Coram:**

**Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson**  
**Hon'ble Dr. A. K. Ambasht, Member**

**Appearance:**

1. Shri Randhir Kalkal, Advocate, Rays Power Experts Pvt. Ltd.
2. Shri Tushar Sannu, Advocate, NDMC

**INTERIM ORDER**

(Date of Hearing: 22.02.2022)

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Heard Shri Tushar Sannu, Counsel for the Respondent, NDMC as well as Shri Randhir Kalkal, Counsel for Rays Power Experts Pvt. Ltd., the Petitioner. Shri Tushar Sannu has submitted that due to some transfers in the department and the fact that the Competent Authority has been very busy with some urgent meetings and could not devote time to this issue. Shri Tushar Sannu requested the Commission few minutes' time so that he may be able to contact the HoD of the Power Department. The Commission has shown great respect to the Counsel Shri Tushar Sannu, to adjourn the hearing and waited for his reply. The Commission reassembled after 10 minutes and Shri Tushar Sannu submitted that he has been able to talk to the HoD who has prayed for 7 days' more time to take a decision. We are constrained to observe that this is not appreciated by the Commission. The earlier orders and the assurances on the part of the NDMC speak volumes about the conduct of the Respondent. They are a statutory body and respect for

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their assurances are sanctified, especially in the case where assurances are being given before the Commission which is hearing the matter online. This goes without saying that in such hearings the public at large is also at liberty to hear the proceedings. Naturally, the assurances given by the officers earlier and their non-compliance also must be seen and observed by the people at large. This gives a bad impression about the Governance and the conduct of business in the statutory body. We are aware that there are reasons for delay but the delay should not be unreasonable. In the present case, it is testing of our patience. However, Shri Tushar Sannu has very earnestly pleaded that some more time may be given to him so that the Competent Authority may take decision on the issue. We feel that, (may take a decision), will be in the spirit of, (shall take a positive decision), should be read. We hope and trust that the Respondent will respect the spirit of the order passed by this Commission and not take a stand which is not in a healthy spirit. List this case on 16.03.2022

**Sd/-**  
**(Dr. A.K. Ambasht)**  
**Member**

**Sd/-**  
**(Justice Shabihul Hasnain 'Shastri')**  
**Chairperson**