



## **Delhi Electricity Regulatory Commission**

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

No. F.11(2120)/DERC/2023-24/7821

### **Petition No. 32 of 2023**

**In the matter of :** Petition under Section(s) 63 and 86(1)(b) and other applicable provisions of the Electricity Act, 2003 for approval of the Notice inviting tender and the bidding process to be initiated under the request for proposal for “setting up of Municipal Solid Waste (MSW) to energy at Ghazipur, East Delhi” by Municipal Corporation of Delhi.

**Municipal Corporation of Delhi**

**.... Petitioner**

**Vs.**

**BSES Rajdhani Power Ltd. & Ors.**

**... Respondents**

**Coram:**

**Hon'ble Justice (Retd.) Jayant Nath, Chairperson**

#### **Appearance:**

- 1. Mrs. Swapna Seshadri, Advocate, MCD**
- 2. Mr. Utkarsh Singh, Advocate, MCD**
- 3. Ms. Sneha Singh, Advocate, MCD**

#### **Record of Proceedings**

(Date of Hearing: 21.05.2024)

(Date of Order: 21.05.2024)

1. Learned Counsel for the Petitioner has drawn my attention to the judgment dated 31.08.2023 passed by the Hon'ble Appellate Tribunal for Electricity in DFR No.245/2023 titled as 'Mr. Gagan Narang Vs. DERC & Ors.' to urge that what was held by the Hon'ble Tribunal was that the MCD cannot seek adoption of tariff under Section 63 of the Electricity Act. However, the Hon'ble Tribunal further held that the Order passed by it shall not disable those entities, entitled to invoke the jurisdiction of the State Commission in terms of the provisions of the Electricity Act from filing a petition before the DERC for adoption of tariff under Section 63 of the Electricity Act.
2. Learned Counsel for the Petitioner hence, presses only prayer (b) of the Petition as it is urged that the same is within the ambit of Section 63 of the Electricity Act. Issue notice to the Respondent, returnable on 30.05.2024

**Sd/-**

**(Justice (Retd.) Jayant Nath)**  
**Chairperson**