



Delhi Electricity Regulatory Commission

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

No. F.11(1924)/DERC/2021-22/7238

Review Petition No. 57/2021

In the matter of : Review Petition under Section 94(1)(F) of the Electricity Act, 2003 read with Regulation 7 of DERC Comprehensive (Code of Conduct) Regulations, 2001 along with supporting affidavit for review of Order dated 30.09.2021 passed by in Petition No. 3/2021 for approval of ARR for FY 2021-22 and True up for FY 2019-20.

Tata Power Delhi Distribution Ltd.

Review Petitioner

Coram:

Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson

Hon'ble Dr. A. K. Ambasht, Member

Appearance:

Mr. Buddy A. Ranganadhan, Adv. BRPL

MENTION ORDER

(Date of Hearing: 20.09.2022)

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1. Heard Mr. Buddy Ranganadhan for some time. On the earlier occasion, Mr. Ranganadhan has informed that two more issues have been added in the main Petition. However, on 13.09.2022, those issues were withdrawn and the Interim Application, bearing No. 2 of 2022, by which these issues were sought to be added was dismissed as withdrawn. This is only for ready reference. Today, Mr. Ranganadhan has pressed four issues, which have been raised in the present Review Petition. Today also, Mr. Ranganadhan as an officer of the Court and fair Counsel informed the Commission that on issue Nos. A and B, there is an appeal pending before the APTEL in which issue no. A does not completely overlap but issue No. B is almost identical. Having said that, he also submitted that as per the law laid down by the Hon'ble Supreme Court in the case Thungabhadra Industries Ltd vs. The Government of Andhra Pradesh reported in 1964 AIR 1372, if a review has been filed earlier in the day and appeal has been filed later, the review will be maintainable and the Appellate Court may not adjudicate on the issue because of pendency in the original court. We are in respectful agreement with the dictate of the higher courts and we feel that arguments can be advanced on all the four issues.

2. Mr. Buddy Ranganadhan has taken us on all the four issues quite extensively and has been able to convince that the matter needs consideration. Hence, after hearing him we reserve the judgement.

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

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