



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

F.11(2046)/DERC/2022-23/7567

**Petition No. 65/2022**

**In the matter of :** Petition u/S 142 read with Section 86(1)(e) and 86(1)(k) of the Electricity Act, 2003 seeking declaration that the Request for Proposal (RfP) dated 21.10.2022 issued by the Municipal Corporation of Delhi for setting up of Municipal Solid Waste to Energy facility at Narela Bawana, Delhi, is violative of the Electricity Act, 2003 and the National Tariff Policy, 2016 and for issuance of appropriate directions.

**Waste to Energy Research & Technology Council**

**...Petitioner**

**Versus**

**Municipal Corporation Delhi**

**....Respondent**

**Coram:**

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

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

**Appearance:**

- 1. Mr. Sanjay Sen, Sr. Advocate, WtE Research & Technology Centre**
- 2. Ms. Mandakini Ghosh, Adv., WtE Research & Technology Centre**
- 3. Ms. Swapna Seshadri, Adv. MCD**
- 4. Ms. Neha Garg, Adv. MCD**

**INTERIM ORDER**

(Date of Hearing: 06.12.2022)

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1. Heard Mr. Sanjay Sen, Sr. Advocate, for the Petitioner who has filed this petition u/S 142 read with Section 86(1)(e) and Section 86(1)(k) of the Electricity Act, 2003 seeking declaration that the Request for Proposal (RfP) dated 21.10.2022 issued by the Municipal Corporation of Delhi for setting up of Municipal Solid Waste to Energy facility at Narela Bawana, Delhi, is violative of the Electricity Act, 2003 and the National Tariff Policy, 2016 and for issuance of appropriate directions. This case has some history and this is the second Petition on this subject. Ms. Swapna Seshadri and Ms. Neha Garg, Counsels for MCD are present. Preliminary objection has been taken by the Counsel for the Respondent that Petition is not *per se* maintainable before the DERC. Mr. Sen has forcefully argued that cognizance can be taken by DERC in view of the facts disclosed in the Petition. *Prima facie*, we are not convinced with this argument. Let a

reply/objection be filed by MCD, only and exclusively on the subject of maintainability by the next date.

2. List the matter on 02.02.2023.

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

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