

DELHI ELECTRICITY REGULATORY COMMISSION

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

F.11(150)/DERC/2004-05/

Review Petition No. 05/2005, 09/2005 & 10/2005

In the matter of : Review of the Order dated 06.12.2004 passed by the Commission in the matter of Application for grant of Distribution and Retail Supply License using own distribution system in NDMC area of Supply.

AND

In the matter of:

1. New Delhi Municipal Council
Through: Sh. Keshav Chandra – Secretary,
Palika Kendra, Sansad Marg,
New Delhi-110001.
2. NDMC Electrical Engineers' Association (Regd.)
Through: Er. Naresh Verma, General Secretary,
11 KV NDMC Electric Sub-station,
Nirman Bhawan,
New Delhi-110001.
3. NDMC Electrical Junior Engineers' Association (Regd.)
Through: Er. Ajay Kumar Tyagi, General Secretary,
Sub-station No. 3, Harish Chandra Mathur Lane,
Janpath, New Delhi-110001.

...Review Petitioners

Versus

1. M/s Reliance Energy Ltd. (Formerly BSES Ltd.)
Through: Sh. J.P. Chalsani, Director (Business Development)
Reliance Energy Centre,
Shanta Cruz (East),
Mumbai –400055.
2. Ministry of Home Affairs,
Through: Secretary,
North Block, New Delhi.
3. Ministry of Defence,
Through: Secretary,
South Block, New Delhi.
4. Ministry of Power,
Through: Secretary,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001.

...Applicant/Respondent

...Respondents

Coram:

**Sh. Berjinder Singh, Chairman, Sh. Shyam Wadhera, Member &
Sh. Subhash R. Sethi, Member.**

ORDER

(Date of Order: 14.12.2009)

1. The Commission vide its Order dated 06.12.2004 granted *in-principle* approval to the Reliance Energy Limited for second Distribution License in NDMC area of supply. The NDMC had filed the Review Petition no. 05/2005 in Petition No. 08/2004 against the impugned Order dated 06.12.2004 of the Commission. NDMC Electrical Engineers' Association and NDMC Electrical Junior Engineers' Association had also filed Review Petition no. 09/2005 and 10/2005 respectively in Petition no. 08/2004 against the impugned Order dated 06.12.2004 of the Commission.
2. The GNCTD in its letter dated 01.01.2008 directed the Commission under Section 108 of the Electricity Act, 2003 that the Commission shall neither conduct any further hearings, nor pass any Order either interlocutory or final in Review Petition No. 05/2005 and in Petition no. 08/2004 till such time as the Ministry of Home Affairs, Government of India takes a decision in this matter. Accordingly, the Commission adjourned this matter *sine die*.
3. Subsequently, GNCTD in its letter dated 06.07.2009 informed the Commission that in partial modification of this Government's Order no. F.11(143)2003/Power/01 dated 01.01.2008 and in exercise of the power conferred by Section 108 of the Electricity Act, 2003 (36 of 2003) read with Government of India, Ministry of Home Affairs Notification F. No. U-11030/2/2003/UTL dated 20.02.2004, the Government of National Capital Territory of Delhi, hereby, directs that no Distribution License, other than the one already with NDMC (under Section 14 and Section 15 of the Electricity Act, 2003), shall be granted in the territorial jurisdiction of New Delhi Municipal Council.
4. In view of the above directions given under Section 108 of the Electricity Act, 2003, the Order in Petition no. 08/2004 has become inoperable. The said Review Petition filed by the NDMC alongwith Petition No. 09/2005 and 10/2005 filed by NDMC Electrical Engineers' Association (Regd.) and NDMC Electrical Junior Engineers' Association (Regd.) respectively have also become infructuous. Accordingly, the Review Petition Nos. 05/2005, 09/2005 and 10/2005 in Petition no. 08/2004 against the impugned Order dated 06.12.2004 are dismissed as infructuous.
5. Ordered accordingly.

Sd/-
(Subhash R. Sethi)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN