

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.**

No. F.11 (761)DERC/2009-10/

**Petition No.01/2012**

**In the matter of :**      **Petition U/s 86(1)(b) and 86(1)(f) of the E.A. 2003 in connection with disputes and differences arising under the Power Purchase Agreement dated 12.05.2008 between the Petitioner and Respondent No. 1**

Maithon Power Limited  
Jeevan Bharti, 10<sup>th</sup> Floor,  
Tower I, 124,  
Connaught Circus,  
New Delhi-110 001

.....Petitioner

Vs.

Tata Power Delhi Distribution Ltd.  
Through its **Managing Director**  
Grid Sub Station Building  
Hudson Lines, Kingsway Camp,  
Delhi 110 009

....Respondent No. 1

Tata Power Trading Company Limited  
Mahalaxmi Receiving Station,  
Senapati Bapat Marg,  
Lower Parel,  
Mumbai-400013, Maharashtra

.....Respondent No. 2

**Coram:**

**Sh. P.D. Sudhakar, Chairman, Sh. Shyam Wadhera, Member &  
Sh. J.P. Singh, Member.**

**Appearance:**

1. Mr. K.Dutta, Adv. For TPDDL
2. Mr. Manish Srivastava, Adv. For TPDDL
3. Mr. Sitiesh Mukherjee, Adv. TPDDL
4. Mr. Aveek Chatterjee, MPL
5. Mr. Suranjit Mishra, MPL
6. Mr. Anurag Bansal, Sr. Manager, TPDDL
7. Mr. Ajay Kapoor, CFO TPDDL
8. Mr. Vivek Singla, TPDDL
9. Mr. Dhiraj, Sr. Manager, TPDDL,

**ORDER**

(Date of Hearing: 22.03.2012)  
(Date of Order: 02.04.2012)

1. Mr. Sitiesh Mukherjee, Ld. Counsel for the Petitioner (MPL), advanced arguments for admission of the present Petition.
2. Mr. K. Dutta, Advocate for Respondent No. 1 (TPDDL) submitted that legally Petition cannot be admitted at this stage as article 15.3.2 of Power Purchase Agreement provides that if a dispute arises then that shall be resolved by Arbitration under the Indian Arbitration Conciliation Act in accordance with the process specified in this Article.

3. Mr. Dutta further submitted that no notice has been issued for resolving the dispute by Arbitration.
4. The Commission heard the arguments advanced by both the Counsels at some length.
5. The Commission admits the Petition and directs Respondent No. 1 (TDPPL) & Respondent No. 2 (TPTCL) to file their reply within 6 weeks with an advance copy to the Petitioner.
6. The Commission further directs the Petitioner to file the rejoinder, if any, with an advance copy to the Respondent No. 1 & 2 within two weeks from the receipt of reply of the Respondents
7. The matter is listed for hearing on 28.06.2012.
8. Ordered Accordingly.

Sd/-  
(J.P. Singh)  
Member

Sd/-  
(Shyam Wadhera)  
Member

Sd/-  
(P.D. Sudhakar)  
Chairman