

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, 10th 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. Ms. Mandakini, Advocate, MPL
2. Ms. Anusha, Adv. MPL
3. Mr. Manish Srivastava, Adv. For TPDDL
4. Mr. Aveek Chatterjee, MPL
5. Mr. Ajay Kapoor, CFO TPDDL
6. Mr. Anurag Bansal, Sr. Manager, TPDDL

ORDER

(Date of Hearing: 30.10.2012)

(Date of Order: 08.11.2012)

1. The Petitioner has filed an affidavit regarding the outcome of the mutual discussion held between the Petitioner and Responder No. 1 (TPDDL) on the claims made by the Petitioner before the Commission today i.e. 30.10.2012.
2. The Commission observed that Ld. Counsel for Respondent No. 1 earlier raised the issue of jurisdiction of the Commission. He had submitted that as per the specific provisions in the PPA, if a dispute arises then that shall be resolved by Arbitration under the Indian Arbitration Conciliation Act.

3. The Commission feels that before hearing the case on merit the matter may be heard on the issue of maintainability in the first instance.
4. In view of the above the matter is listed for further hearing on maintainability on 20.11.2012 at 3:00 pm at Commissions Officer.
5. Ordered Accordingly.

Sd/-
(J.P. Singh)
Member

Sd/-
(Shyam Wadhera)
Member

Sd/-
(P.D. Sudhakar)
Chairman