



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

No. F.11(1267)/DERC/2015-16/C.F.4936

Petition No. 56/2015

In the matter of : Petition seeking surrender of Power from IPGCL's Rajghat Thermal Power Station.

Tata Power Delhi Distribution Ltd.
Through its Managing Director
NDPL House,
Hudson Lines, Kingsway Camp
Delhi 110 009

.....**Petitioner**

VERSUS

Indrarpasth Power Generation Co. Ltd.
Through its Director (T)
Rajghat Power House,
Office Complex,
New Delhi 110 002

....**Respondent**

**Coram: Sh. J.P. Singh, Member &
Sh. B.P. Singh, Member**

Appearance:

1. Mr. Alok Shankar, Adv. TPDDL
2. Ms. Swapna Sheshadri, Adv. IPGCL
3. Mr. Mithun Chakraborty, AGM, TPDDL
4. Mr. Sumit Sachdev, AGM TPDDL
5. Ms. Nayantara, Legal, TPDDL
6. Mr. Yuganshu Pathak, AGM, TPDDL
7. Mr. Varun Sharma, AGM, TPDDL
8. Mr. S.M. Verma, Executive Director, IPGCL
9. Mr. R.K. Yadav, DGM (Comml.)
10. Mr. Amar Jyoti , Manager (T) Comml. IPGCL

INTERIM ORDER

(Date of Hearing: 15.12.2015)

(Date of Order: 28.12.2015)

1. Mr. Alok Shankar, Ld. Counsel for the petitioner submitted that in the last order of the Commission dtd. 02.11.2015 it was advised that the Petitioner should wait for a period of one month or so and observe whether IPGCL further continues to bill for RPH and if so the matter may be reported to the Commission. Accordingly, the petitioner has vide letter dtd. 08.12.2015 informed the Commission that IPGCL is still billing the petitioner.
2. Ms. Swapna Seshadri, Ld. Counsel for the respondent submitted that the issues raised through the instant petition are already being raised in an appeal filed before the Appellate Tribunal for Electricity and therefore this issue cannot be

raised in the Commission. Further, she requested that the instant matter may be tagged alongwith Petition no. 91 and 92 of 2015 filed by IPGCL and PPCL, respectively since they are on similar issues of non payment of dues.

3. The Counsel for Petitioner submitted that the instant matter cannot be clubbed along with Petition no. 91 and 92 of 2015 since these are on separate issues of non-payment.
4. On the plea that the similar issues are pending before APTEL the Commission observed that unless there is a stay against the order of the Commission from APTEL, such order of the Commission is binding on the parties and any non-compliance of the Commission's order can be raised before the Commission.
5. The Commission admitted the Petition and directed that Notices may be issued. The petitioner shall serve a copy of the petition to the respondent within a week thereafter the reply is to be filed within two weeks with an advance copy to the petitioner.
6. The next date of hearing will be informed in due course.
7. Ordered accordingly.

Sd/-
(B.P. Singh)
MEMBER

Sd/-
(J.P Singh)
Member