

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**APPEAL No. 142 of 2008 &
I.A. No. 182 of 2008**

Dated: November 28, 2008

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member**

**North Delhi Power Ltd.,
V/s.**

-Appellant(s)

Delhi Electricity Regulatory Commission

-Respondent(s)

Counsel for the Appellant (s) : Mr. K. Datta

ORDER

The grievance expressed by Mr. K. Datta, the learned counsel for the appellant is that without giving the opportunity of personal hearing to him, the Delhi Electricity Regulatory Commission (for short 'the Commission') passed the impugned orders dated 01.08.2008 and 20.08.2008 giving directions.

On going through the impugned orders dated 01.08.2008 and 20.08.2008 and the copy of the reply dated 13.08.2008, it is clear that these are the letters exchanged between the parties and ultimately some directions have been issued by the Commission. However, it is to be pointed out that the impugned letter dated 01.08.2008 has been issued conveying the directions given by the Commission through the Secretary, on the basis of the grievance expressed by some consumers and RWA. As indicated above, the learned counsel for the appellant strenuously submits that the impugned letters have been issued giving such directions without giving him the opportunity of being heard.

Of course, we find force in the submissions made by the learned counsel for appellant that if the opportunity of personal hearing had been given to the appellant, the appellant would have been able to convince the Commission, with reference to the bills, which was taken into consideration by the Commission to decide the issue. However, we are not inclined to admit this appeal, which is directed against the letters impugned, but we are inclined to grant liberty to the appellant to go back to the Commission and file petition requesting for opportunity for personal hearing to enable him to put forth his case with the materials and place them before the Commission, so that the Commission can decide the issue in the light of the Act, Rules and Regulations concerned. Accordingly ordered.

With the above observations, the appeal is disposed of.

(A.A. Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson