

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

**I.A. Nos. 99 & 100 of 2009 in  
Appeal No. 49 of 2009**

**Dated: 23<sup>rd</sup> March, 2009**

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

**North Delhi Power Ltd. ... Appellant (s)  
Versus**

**Delhi Electricity Regulatory Commission ... Respondent (s)**

Counsel for the Appellant/ (s) : Mr. K. Datta  
Mr. R.P. Yadav for NDEPL  
Mr. Anurag Banjal, Legal Officer

Counsel for the Respondent (s) : None

**ORDER**

We have heard the learned counsel for the appellant and gone through the note put up by the Registry raising objection to the maintainability to this appeal. We feel that the objections raised by the Registry with regard to maintainability of the appeal is well founded. It is only the letter dated 11.9.2008 that was sent by Secretary of Delhi Electricity Regulatory Commission reminding about the existence of Regulation 20 (1) (i) to its Discoms. On going through the letter it is clear that, the Secretary on the administrative direction of the Commission, sent the letter to some Discoms to follow the Regulation, one of them is the appellant.

As such, this letter cannot be treated as an order. Therefore, it would be appropriate for the appellant/petitioner to approach the Commission for seeking clarification on this letter and then make its submission, raising the relevant points before the Commission.

We are of the view that this appeal against this letter is not maintainable in as much as, the letter written by the Secretary of the Commission cannot be the subject matter of the appeal before this Tribunal under section 111 of the Act.

Hence, we reject this appeal as not maintainable.

**(A.A. Khan)**  
Technical Member

**(Justice M. Karpaga Vinayagam)**  
Chairperson