

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)
ORDER ON
EXECUTION PETITION NO. 04 OF 2017 &
IA NO.886 OF 2017 IN IA NO.421 OF 2013
IN DFR NO. 1975 OF 2013
ON THE FILE OF THE
APPELLATE TRIBUNAL FOR ELECTRICITY
NEW DELHI

Dated: 9th April, 2018

Present: Hon'ble Mr. Justice N. K. Patil, Judicial Member
Hon'ble Mr. S. D. Dubey, Technical Member

In the matter of:

Tata Power Delhi Distribution Limited,

NDPL House, Hudson Lines,

Kingsway Camp,

New Delhi-110009.

..... Petitioner/Decree Holder

Versus

1. North Municipal Corporation of Delhi,
(North Delhi Municipal Corporation)
Dr.S.P.M.Civic Centre, Minto Road,
New Delhi-110002.

..... Respondent No.1/
Judgment Debtor

2. **Delhi Electricity Regulatory Commission**

Vinayak Bhawan, 'C' Block,

Shivalik, Malviya Nagar,

New Delhi—110 017

Through its Secretary

..... Respondent No.2

3. **BSES Rajdhani Power Limited**

BSES Bhawan, Nehru Place,

New Delhi – 110 019.

Through its CEO

..... Respondent No.3

4. **BSES Yamuna Power Limited**

Shakti Kiran Building,

Karkardooma, Delhi

Through its CEO

..... Respondent No.4

Counsel for the Appellant(s) / Petitioner(s) : Mr. Anupam Varma
Mr. Rahul Kinra
Mr. Akshat Srivastava &
Mr. Anuran Bansal, Rep for TPDDL

Counsel for the Respondent(s) : Mr. Bhagwat Prasad Agarwal for R-1

Mr. S. Venkatesh
Mr. Pratyush Singh
Mr. Sandeep Rajpurohit for R-2

PER HON'BLE JUSTICE N.K PATIL, JUDICIAL MEMBER

The Appellant has sought the following reliefs in E.P. No.04 of 2017:

- (a) Execute its order/judgment dated 05.02.2014 passed in I.A.No.421 of 2013 in DFR No. 1975 of 2013 and direct the Judgment Debtor to pay the tariff differential which has remained unpaid for FY 2012-13 along with Late Payment Surcharge.
- (b) Pass such further other Order(s) as this Hon'ble Tribunal may deem just and necessary in the facts and circumstances of the case.

ORDER

1. We have heard the learned counsel, Mr. Anupam Varma, appearing for the Petitioner. On the instructions, learned counsel appearing for the Petitioner submitted that the instant Execution Petition No.04 of 2017 in DFR No. 1975 of 2013 may be dismissed as not pressed.

2. The submissions made by learned counsel appearing for the Petitioner, at supra are placed on record.

3. In the light of the submissions made by learned counsel appearing for the Petitioner, the instant Execution Petition filed by the Petitioner being E.P. No.04 of 2017 in DFR No. 1975 of 2013 is dismissed as not pressed at the risk of the learned counsel, Mr. Anupam Varma, appearing for the Petitioner.

4. Order accordingly.

IA NO. 886 OF 2017

(for exemption from filing certified copy of judgment and typed copies of clear Annexure)

5. In view of the dismissal of E.P.No.04 of 2017 in DFR No. 1975 of 2013, on the file of the Appellate Tribunal for Electricity, New Delhi has been disposed of as withdrawn, on account of which, the prayer in this application being IA No. 886 of 2017 does not survive for consideration as it has become infructuous.

5. Order accordingly.

(S. D. Dubey)
Technical Member

(Justice N. K. Patil)
Judicial Member

tpd/pr