

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2093 OF 2010

DELHI ELECTY REGULATORY COMMISSION ... Appellant(s)

Versus

NORTH DELHI POWER LTD & ORS. ... Respondent(s)

WITH Civil Appeal NO. 1453 of 2010

Civil Appeal NO. 1454 of 2010

Civil Appeal NO. 1456 of 2010

Civil Appeal NO. 1457 of 2010

Civil Appeal NO. 1650 of 2010

O R D E R

CIVIL APPEAL NO(s). 2093 OF 2010

1. Issue notice.

2. At the initial stage of issuing notice in the appeal, learned counsel has appeared on behalf of the respondent No.1, North Delhi Power Ltd., which is the contesting respondent. Respondents

Nos.2 to 57 are said to be proforma respondents and the appellant prays for dispensation of service on

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the said respondents, since no relief is prayed for against them. Such prayer is allowed.

3. The judgment of the Appellate Tribunal for Electricity, New Delhi, dated 27th October, 2009, in Appeal No.52 of 2008, has been impugned in this appeal. It appears from the said order that the issue regarding Advance Against Depreciation had been decided earlier by the same Bench, which was hearing the present appeal. However, learned counsel appearing on behalf of the respondents wanted to argue the same issue once again on the

ground that the decision thereupon was incorrect.

On that ground, the Bench directed that the said issue be separated and heard by another Bench while the other issues involved in the appeal be heard by the Bench in seisin of the matter.

4. We are unable to understand as to how one appeal could be heard out on different issues by two different Benches. Accordingly, having heard learned counsel for the respective parties, we set aside the impugned judgment and direct that Appeal No.52 of 2008 be re-heard. It may also be

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indicated that the Judicial Member, who was a part of the Bench, has since retired, and, in any event, the matter has to be heard by another Bench.

5. The appeal is, accordingly, allowed to the above extent.

6. Let the matters be sent to the Appellate Tribunal expeditiously.

7. Consequently, all the other five appeals are also allowed in view of the views expressed hereinbefore.

.....J.
(ALTAMAS KABIR)

.....J.
(C.K. PRASAD)

New Delhi,
March 22, 2010.

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ITEM NOS.11+74

COURT NO.3

SECTION XVII

DELHI ELECTY REGULATORY COMMISSION

Appellant (s)

VERSUS

NORTH DELHI POWER LTD & ORS.

Respondent(s)

(With appln(s) for stay and office report)

WITH Civil Appeal NO. 1453 of 2010

Civil Appeal NO. 1454 of 2010

Civil Appeal NO. 1456 of 2010

Civil Appeal NO. 1457 of 2010

Civil Appeal NO. 1650 of 2010

[(with appln.(s) for ex-parte stay and office report)]

Date: 22/03/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s) Mr. A.N. Haksar, Sr. Adv.
In CAs.2093 & 1650 Mr. Subramonium Prasad,Adv.
of 2010 Mr. P.Dubey, Adv.
Ms. Purnima Sapra, Adv.
Mr. Udyan Jain, Adv.

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Contd..2/-

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In CA.2093 Mr. A.N. Haksar, Sr. Adv.
of 2010 Mr. H.S.Chandhiok,Adv.
Mr. Subramonium Prasad,Adv.
Mr. K.V. Rathee, Adv.
Mr. Ajay Jain, Adv.
Mr. D.P. Singh, Adv.
Ms. Alka Agrawal, Adv.
Mr. Pradhuman Dubey, Adv.
Ms. Purnima, Adv.
Mr. Udyan jain, Adv.

For Respondent(s)

Mr. Aribam Guneshwar Sharma,Adv.

R1/caveator

Mr. Amit Kapur, Adv.
Ms. Poonam Verma, Adv.
Mr. Anurag Bansal, Adv.

UPON hearing counsel the Court made the following
O R D E R

C.A.2093/10 is allowed in terms of the
signed order.

Let the matters be sent to the Appellate
Tribunal expeditiously.

Consequently, all the other five appeals are
also allowed in view of the views expressed
hereinbefore.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Court Master

[Signed order is placed on the file]