

POWER CRISES IN N.C.T. OF DELHI Petitioner(s)  
VERSUS

U.O.I. & ORS Respondent(s)  
(With appln(s) for directions and intervention and permission to  
submit additional document(s) and and office report)

Date: 11/05/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv. (AC)

For Respondent(s)  
NTPC

Mr. S.K. Dhingra, Adv.  
Mrs. Shefali Mitra, Adv.

Ms. Indra Sawhney ,Adv

Ms. Kum Kum Sen ,Adv

Mr. Vishnu B. Saharya, Adv.  
for M/s Saharya & Co.

MCD

Mr. Sanjiv Sen, Adv.  
Mr. P. Parmeswaran, Adv.  
Mr. Ujjal Banerjee, Adv.

Mr. Surya Kant, Adv

NCT of Delhi

Mr. A. Mariarputham, Sr. Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. Mukesh Verma, Adv.  
Ms. Saima Bakshi, Adv.  
Mr. Zaid Ali, Adv.  
Mrs. Anil Katiyar, Adv.  
Mr. D.S. Mahra ,Adv

BSES Rajdhani  
BSES Yamuna

Ms. Manali Singhal, Adv.  
Ms. Meera Mathur, Adv.

DHC

Mr. Annam D.N. Rao ,Adv.  
Ms. Neelam Jain, Adv.

Delhi Transco

Mr. Sanjiv Dubey, Adv.  
Mr. Sanjay Misra, Adv.  
Mrs. Sangita Chauhan, Adv.  
Mr. Rakesh K. Sharma, Adv.  
Mr. P.B. Suresh, Adv

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Ms. Meera Mathur, Adv.

DVC

Mr. G.E. Vahanvati, A.G.  
Mr. M.G. Ramakrishnan, Adv.  
Mr. Swetaketu Mishra, Adv.  
Mr. Siddhartha Chowdhury, Adv.

Mr. Sanjay Sharawat, Adv.

NDPL

Mr. Amit Kapur, Adv.  
Mr. Anupam Varma, Adv.  
Ms. Dipika Kalia, Adv.  
Mr. Pukhrambam Ramesh Kumar, Adv.

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

A reply affidavit has been filed on behalf of Damodar Valley Corporation ("DVC"), explaining its stand with regard to the delay in supply of the committed quantity of power to Delhi Transco Limited under Agreement dated 24th August, 2006. It is stated that because of delay at various levels of setting up of the generation plants, beyond its control, the DVC has not been able to achieve the targets fixed for commercial operations of various generating units. It is also stated that under the prevalent conditions, DVC will be able to supply an additional 150 MW of power by 1st June, 2011, which will be increased to 437.50 MW by 15th June, 2011 and by 1st July, 2011 additional 737.50 MW of power shall be supplied to Delhi. Mr. G.E. Vahanvati, the learned Attorney General for India, appearing for DVC, has assured the Court that the afore-noted schedule (mentioned in Para 10 of the affidavit) shall be adhered to, subject to regular supply of

coal.

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In the affidavit, it is also pointed out that the Distribution Companies in Delhi have been selling power outside Delhi and earning huge amounts on such sales. Further, during the year 2010-2011, the DISCOMS of Delhi have drawn less power than its allocated quota. Statements showing such sales by the Distribution Companies during the period from April, 2010 to February, 2011, including unscheduled interchange statement for the said period have been annexed with the affidavit.

Mr. A. Mariarputham, learned Senior Counsel appearing for the Government of N.C.T. Of Delhi submits that in light of the assurance given by the DVC, coupled with the assured assistance of the Central Government, who has undertaken to procure extra power for Delhi, the Government does not apprehend any shortage of power in the entire State during the summer months. We take the said statement on record.

We direct all the Distribution Companies operating in Delhi to file an affidavit, explaining their stand on the averments made in the affidavit filed by the DVC, in particular, Para 13 thereof. The requisite affidavits shall be filed within eight weeks.

Call the case for further directions on  
13th July, 2011 at 3.00 p.m.

(VINOD LAKHINA)  
Court Master

(KUSUM GULATI)  
Court Master