

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 328 OF 1999

POWER CRISES IN N.C.T. OF DELHI

Petitioner(s)

VERSUS

U.O.I. & ORS

Respondent(s)

(With appln(s) for directions and permission to submit
additional document(s) and intervention and office report)

Date: 20/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

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

DDA

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

Mr. Rakesh Kumar Khanna, Sr. Adv.
Dr. Rashmi Khanna, Adv.
Mr. Surya Kant, Adv.
Mr. Pranav Vyas, Adv.
Mr. Dushyant Prashar, Adv.
Ms. Seema Rao, Adv.
Ms. Purnima Jauhari, Adv.

NCT of Delhi

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

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BSES Rajdhani
BSES Yamuna

Mr. Mukul Rohtagi, Sr. Adv.(Rajdhani)
Mr. Shyam Divan, Sr. Adv. (Yamuna)
Ms. Manali Singhal, Adv.
Ms. Meera Mathur, Adv.

DHC

Mr. Annam D.N. Rao, Adv.
Ms. Neelam Jain, Adv.
Mr. Keerthi Kiran Kota, Adv.

Delhi Transco Mr. Sanjiv Dubey, Adv.
Mr. Sanjay Misra, Adv.
Ms. Sangita Chauhan, Adv.
Ms. Aroma S. Bhardwaj, Adv.
Mr. S.K. Dubey, Adv.
Mr. Rakesh K. Sharma, Adv.
Mr. Vivek P. Adv.

Mr. P.B. Suresh, Adv.

Delhi Cantonment Board Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. R. Nanavati, Adv.
Mr. Vikram Ganguly, Adv.
Mr. S.C. Ghosh, Adv.

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

Mr. Sanjay Sharawat, Adv.

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

rr. 11 (Damodar Valley Corporation) Mr. H.P. Raval, ASG
Mr. M.G. Ramchandran, Adv.
Mr. Swetketu Mishra, Adv.
Mr. Siddhartha Chowdhury, Adv.

NDPL Dr. A.M. singhvi, Sr. Adv.
Mr. Amit Kapur, Adv.
Mr. Anupam Varma, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Ms. Deepika Kalia, Adv.
Mr. Tarun Johri, Adv.

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UPON hearing counsel the Court made the following

O R D E R

I.A. NO.4 OF 2011 IN W.P.(CIVIL) NO. 328 OF 1998

In deference to our order dated 19th
October, 2011, Mr. Amal sinha and Mr. Sushil
Aggarwal, the Chief Financial Officers of M/s
BSES Rajdhani Power Limited and BSES Yamuna Power
Limited respectively are present in Court.

Having heard learned Senior Counsel
appearing for the said two distribution Companies
as also the learned Additional Solicitor General

appearing for the Damodar Valley Corporation, we direct M/s BSES Rajdhani Power Limited and M/s BSES Yamuna Power Limited to pay to Damodar Valley Corporation amounts of Rs.25 crores and Rs. 20 crores respectively, on or before 30th November, 2011, towards the arrears of dues for drawing electricity from the Corporation.

We clarify that the aforesaid direction is purely an ad hoc arrangement in order to see that the Corporation receives some amount against outstanding dues, intimated to the said distribution companies vide demand notices. In addition to the above, the said two distribution companies shall continue to pay the current

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charges, in terms of the contracts, for supply of energy by the Corporation, on the basis of the bills as may be raised by them, by the due date. However, it will be open to the parties to have negotiated settlement if there is any dispute in relation to the rate at which the energy is to be supplied by the Corporation.

List the application for further directions on 8th December, 2011 at 2.00 p.m.

Personal appearance of the Chief Financial Officers of both the afore-stated companies is dispensed with.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master