

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8816 OF 2011

DELHI POWER CO. LTD. .. Appellant(s)

Versus

N.T.P.C. LIMITED AND ORS. .. Respondent(s)

O R D E R

This appeal under Section 125 of the Electricity Act, 2003 (hereinafter referred to as the "Act") is directed against the judgment and Order dated 24.02.2011 passed by the Appellate Tribunal for Electricity, New Delhi in Appeal No. 123 of 2009 and other connected cases.

Mr. Suresh Chandra Tripathi and Mr. Pradeep Misra, learned counsel submitted inter alia (a) the dispute in the present case would not be covered by Section 79(1) (f) of the Act (b) the claim in any case was barred by time as the period in question was 01.01.2000 to 03.06.2001, whereas the action was initiated only on 12.05.2006 (c) in terms of Section 55(7) of the Electricity (Supply) Act, 1948, the expression "mutually agree" ought to be read as agreed by "majority" (d) the

Tribunal as well as the Appellate Tribunal were not justified in awarding interest when there was no prayer made in the original application.

All these submissions have been countered by Mr. Ramachandran, learned counsel appearing for the NTPC. In his submission, the scope of Section 79(1)(f), especially the expression "disputes involving generating companies or transmission licensee in regard to the matters connected with" is of wide amplitude to cover disputes including the one raised in the present matter. He further submitted that the Appellate Authority had found on facts, that the action was initiated well in time.

We have gone through the record and considered the submissions. The reliance placed by Mr. Tripathi on the decision of this Court in Andhra Pradesh Power Co-ordination Committee and Ors. Vs. Lanco Kondapalli Power Limited and Ors. 2016 (3) SCC 468 need not detain us as, on facts, it was found by the Appellate Authority that the action was initiated well in time. The assessment made by the Appellate Authority as regards other submissions, in our considered view, is absolutely correct.

We see no reason to interfere in the matter. The appeal is accordingly dismissed. No costs

.....J.
(UDAY UMESH LALIT)

.....J.
(D. Y. CHANDRACHUD)

New Delhi,
Dated: 23rd October, 2018.

ITEM NO.16

COURT NO.12

SECTION XVII

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

Civil Appeal No(s). 8816/2011

DELHI POWER CO.LTD.

Appellant(s)

VERSUS

N.T.P.C.LIMITED . & ORS.

Respondent(s)

Date : 23-10-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr. Suresh C.Tripathi, Adv.
Mr. Rakesh K. Sharma, AOR
Mr. Nishant, Adv.

For Respondent(s) Mr. Pradeep Misra, AOR
Ms. Indu Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. M.G.Ramachandran, Adv.
Mr. K. V. Mohan, AOR
Ms. Poorva Saigal, Adv.
Mr. Shubham Arya, Adv.

Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Shaila Arora, Adv.
Ms. Sharmila Upadhyay, AOR

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

The appeal is dismissed in terms of the signed order.
Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)
AR CUM PS

(Signed order is placed on the file)

(SUMAN JAIN)
BRANCH OFFICER