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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3486/2018 & CM No. 13729/2018

GLOBAL ENERGY PRIVATE LIMITED Petitioner

Through: Mr Hemant Singh and Mr Nishant
Kumar, Advocates.

versus

CENTRAL ELECTRICITY REGULATION
COMMISSION & ANR.

..... Respondents

Through: Mr Sumeet Sharma and Mr Paras
Choudhary, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.10.2018**

1. The petitioner has filed the present petition impugning an order dated 01.03.2018 passed by the Central Electricity Regulatory Commission (hereafter 'CERC'). The petitioner contends that the impugned order is liable to be set aside as the statutory notice under Section 19(3) of the Electricity Act, 2003 (hereafter 'the Act') was not issued to the petitioner. It is further, contended that the matter was heard by a Bench comprising of the Chairperson and three other persons and was reserved for judgment on 22.08.2017. The Chairperson demitted office prior to the pronouncement of the impugned order on 01.03.2018. It is stated that the matter was, thereafter, listed for directions on 09.01.2018, however, no hearings were held. The impugned order was pronounced on 01.03.2018 without conducting any fresh hearings.

2. *Prima facie*, both the grounds appear to be merited. However, it is not disputed that the petitioner has an equally efficacious remedy by filing an appeal under Section 111 of the Act. In view of the above, the present petition is disposed of by leaving it open for the petitioner to seek appropriate remedies under Section 111 of the Act. It is clarified that if an appeal is filed within a period of three weeks from today the Appellate Tribunal shall consider the appeal on merits uninfluenced by the issue of delay.

3. This Court also considers it apposite that the impugned order be stayed for a further period of three weeks from today and if an appeal is filed within the said period till such time as the Appellate Tribunal considers the application for interim relief.

4. The petition is disposed of.

5. The pending application is also disposed of.

6. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 10, 2018
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