

In Suo-Moto Action Under Section 121 Of ... vs Forum Of Regulators & Ors on 27 May, 2026

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA No. 899 of 2026 & IA No. 1041 of 2026 in OP No. 1 OF 2025

Dated: 27th May, 2026

Present: Hon`ble Ms. Seema Gupta, Officiating Chairperson
Hon`ble Mr. Virender Bhat, Judicial Member

In the matter of:

In Suo-Moto action under Section 121 of the EA Petitioner(s)
Versus

Forum of Regulators & Ors. Respondent(s)

Counsel on record for the Petitioner(s) : Anushree Bardhan
Shikha Ohri
for App. 1

Counsel on record for the Respondent(s) : Poorva Saigal
Shubham Arya
Pallavi Saigal
Reeha Singh
Rishabh Saxena
Harshvardhan Singh
Shirin Gupta
for Res. 1

C.K. Rai
Shiva Singh
Anuradha Roy
Vinay Kumar Gupta
for Res. 2

C.K. Rai
for Res. 3

Anand K. Ganesan
Swapna Seshadri
Utkarsh Singh
Sneha Singh Baghel
for Res. 4

Dhananjaya Mishra
for Res. 5

Sahil Chandra
for Res. 6

Ravi Kishore
for Res. 7

Rutwik Panda
Anshu Malik
for Res. 8

Gargi Kumar
for Res. 9

Abiha Zaidi
for Res. 10

Pratibhanu Singh Kharola
for Res. 11

Sethu Ramalingam
S. Shivshankari
for Res. 12

Pradeep Misra
for Res. 13

C.K. Rai
Shiva Singh
Anuradha Roy
Vinay Kumar Gupta
for Res. 14

Somanadri Goud Katam
for Res. 15

Shlok Chandra
for Res. 16

Suparna Srivastava
for Res. 17

Mandakini Ghosh
for Res. 18

Gaichangpou Gangmei
Arjun D Singh
Yimyanger Longkumer
Maitreya Mahaley
for Res. 19

Aishwarya Subramani
Harsha V Rao
Anand K. Ganesan
for Res. 20

Suriti Chowdhary
Anuj Bhave
Abiha Zaidi
Pritam Raman Giriya
for Res. 21

Mandakini Ghosh
for Res. 22

Anish Roy
for Res. 23

Farrukh Rasheed
for Res. 24

Rohini Prasad
for Res. 25

Sriram Krishna
Anupama Dhurve
for Res. 26

Shri Venkatesh
Suhael Buttan
Nihal Bhardwaj
Abhishek Nangia
Kartikay Trivedi
Surbhi Kapoor
Shivam Kumar
Punyam Bhutani
Nikunj Bhatnagar
Tarang Saraogi
Ananya Dutta
Shryeshth Ramesh Sharma
Kanika Chugh
Priya Dhankar
Mohit Mansharamani
Mohit Gupta
Indu Uttara
Harsh Vardhan
Vedant Choudhary
Adarsh Singh
Drishti Rathi

Siddharth Nigotia
Vineet Kumar
Manu Tiwari
Kunal Veer Chopra
Tanishka Khatana
Aashwyn Singh
Aniket Kanhaua
Manav Bhatia
for Res. 27

C.K. Rai
Anuradha Roy
Vinay Kumar Gupta
Shiva Singh
for Res. 28

Surabhi Pandey
for Res. 29

Abiha Zaidi
Suriti Chowdhary
Pritam Raman Giriya
Anuj Bhave
for Res. 30

Vishrov Mukerjee
Janmali Gopal Rao Manikala
Nishtha Kumar
Yashaswi Kant
Pratyush Singh
Damodar Solanki
Priyanka Vyas
Juhi Senguttuvan
Anumeha Smiti
Garima Adlakha
Sai Snigdha Nittala
Snehal Upadhyay
for Res. 31

Amit Kapur
Anupam Varma
Rahul Kinra
Aditya Gupta
Aditya Ajay
Girdhar Gopal Khattar
Isnain Muzamil
Adamyia Ojha

Yash Srivastava
Vaibhav Sharma
for Res. 32

Amit Kapur
Anupam Varma
Rahul Kinra
Aditya Gupta
Aditya Ajay
Girdhar Gopal Khattar
Isnain Muzamil
Adamyia Ojha
Yash Srivastava
Vaibhav Sharma
for Res. 33

Shri Venkatesh
Shryeshth Ramesh Sharma
Kanika Chugh
Ashutosh Kumar Srivastava
Suhael Buttan
Nihal Bhardwaj
Surbhi Kapoor
Adarsh Singh
Siddharth Nigotia
Manu Tiwari
Abhishek Nangia
Abhishek Nangia
Mohit Mansharamani
Akash Lamba
Shivam Kumar
Kartikay Trivedi
Aashwyn Singh
Mohit Gupta
Harsh Vardhan
Aniket Kanhaua
Ananya Dutta
Indu Uttara
Priya Dhankar
Vineet Kumar
Tanishka Khatana
Nikunj Bhatnagar
Kunal Veer Chopra
Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 34

Page 5 of 13

Shri Venkatesh
Shryeshth Ramesh Sharma
Kanika Chugh
Ashutosh Kumar Srivastava

Suhael Buttan
Nihal Bhardwaj
Surbhi Kapoor
Adarsh Singh
Siddharth Nigotia
Manu Tiwari
Abhishek Nangia
Mohit Mansharamani
Akash Lamba
Shivam Kumar
Kartikay Trivedi
Aashwyn Singh
Mohit Gupta
Harsh Vardhan
Aniket Kanhaua
Ananya Dutta
Indu Uttara
Priya Dhankar
Vineet Kumar
Tanishka Khatana
Nikunj Bhatnagar
Kunal Veer Chopra
Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 35

Shri Venkatesh
Shryeshth Ramesh Sharma
Kanika Chugh
Ashutosh Kumar Srivastava
Suhael Buttan
Nihal Bhardwaj
Surbhi Kapoor
Adarsh Singh
Siddharth Nigotia
Manu Tiwari
Abhishek Nangia
Mohit Mansharamani
Shivam Kumar
Akash Lamba
Kartikay Trivedi

Page 6 of 13

Aashwyn Singh
Mohit Gupta
Harsh Vardhan
Aniket Kanhaua
Ananya Dutta
Indu Uttara

Priya Dhankar
Vineet Kumar
Tanishka Khatana
Nikunj Bhatnagar
Kunal Veer Chopra
Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 36

Shri Venkatesh
Shryeshth Ramesh Sharma
Kanika Chugh
Ashutosh Kumar Srivastava
Suhael Buttan
Nihal Bhardwaj
Surbhi Kapoor
Adarsh Singh
Siddharth Nigotia
Manu Tiwari
Abhishek Nangia
Mohit Mansharamani
Shivam Kumar
Akash Lamba
Kartikay Trivedi
Aashwyn Singh
Mohit Gupta
Harsh Vardhan
Aniket Kanhaua
Ananya Dutta
Indu Uttara
Priya Dhankar
Vineet Kumar
Tanishka Khatana
Nikunj Bhatnagar
Kunal Veer Chopra
Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi

Page 7 of 13

for Res. 37

S. Vallinayagam
for Res. 38

ORDER

(for Modification)

1. This application has been filed by the two Discoms operating in NCT of Delhi i.e. BSES Rajdhani Power Limited (Respondent No. 32) and BSES Yamuna Power Limited (Respondent No. 33) with the following prayer:-

(a) Pass an Order correcting the error/accidental slip in Para 39 of the Order dated 20.04.2026 in OP No. 1 of 2025 by substituting the passage "... quash the approval to such audit accorded by the Ld. Governor of Delhi vide communication dt. 05/03/2026" with "..... quash DERC's initiation of the CAG audit and DERC's request to the CAG and GoNCTD and other consequential actions taken in this regard"

(b) Pass such order(s) as this Hon'ble Tribunal may deem fit and proper in facts and circumstances of the present case.

2. We have heard Mr. Amit Kapur, Learned Counsel for the Applicants as well as Mr. B.P. Patil, Learned Senior Counsel along with Ms. Abiha Ziadi, Learned Counsel for Delhi Electricity Regulatory Commission (DERC).

3. At the outset, we find it necessary to record with utmost dismay that the wisdom of these two Delhi Discoms in filing this instant application is not discernible. Even though the application has been captioned to be under Section 120 of the Electricity Act, 2003 read with Section 152 of the code of Civil Procedure, 1908 as well as Rule 30 of Appellate Tribunal for Electricity (Procedure, Form Fee and Record of Proceedings) Rules, 2007 for correction in the order dated 20th April, 2026 with the prayer to correct so called error/ accidental slips in para 39 of the said order passed in this Original Petition No. 1 of 2025 yet it is manifest from the language used in the body of the application as well as in prayer clause, which has been reproduced hereinabove, that the applicants want us to replace and substitute our decision/conclusion in para 39 of the said order with the decision/conclusion formulated by these Discoms as per their own wisdom. Therefore, manifestly the application is not for correction of any inadvertent error or accidental slip in para 39 of the said order dated 20th April, 2026 but actually for setting aside our such decision in para 39 of the order and substituting it with an altogether different decision as intended by the applicants. The applications, thus, merit dismissal on this very score for the reason that it is not for a party to the proceedings to advise or dictate to the Bench as to what ought to be the decision of the Bench and how the same ought to be worded. In case a party is not satisfied with the order passed by this Tribunal and the directions issued therein, it may have recourse available to it under the Electricity Act, 2003. Such party cannot be heard to say that since the order of the Tribunal is not worded in the manner as the party thinks it ought to be and cannot be permitted to seek setting aside of such order in the grab of an application for correction of errors/accidental slips.

4. For the sake of convenience, we may reproduce herein the paragraph No. 39 of order dated 20th April, 2026 passed by us in the original petition with regards to the Delhi Electricity Regulatory Commission:-

39. Hence, for these reasons we are unable sustain the action of DERC in entrusting the strict and intensive audit of the Delhi discoms as per the RA judgement dt. 06/08/2025 of the Hon'ble Supreme Court to CAG as the same is in contravention of the statutory provisions namely section 20 of the CAG Act. We, therefore, uphold the objection raised to such audit by the discoms and quash the approval to such audit accorded by the Lt. Governor of Delhi vide communication dt. 05/03/2026."

5. Upon reading this paragraph along with the discussion contained in previous paragraphs of the order, it is evident that quashing of the approval accorded by Lt. Governor of Delhi to entrust the strict and intensive audit of Delhi Discoms to CAG vide communication dated 5th March, 2026, is not a consequence of any inadvertent error or accidental slip as sought to be projected by the Delhi Discoms but conscious, considered and reasoned decision of this Tribunal. We were mindful of the fact that mere initiation of such an audit by the Delhi Commission does not call for any interference from this Tribunal for the reason that the Lt. Governor of Delhi may or may not accord his approval to such an audit. In case the Lt. Governor did not approve such an audit of the Delhi Discoms that would have been end of it. It is only when the Lt. Governor accorded his approval to such an audit vide communication dated 5th March, 2026 that this Tribunal found reasons and ground to take cognizance of the same and pass appropriate orders in this regard. We make it clear that in case the communication dated 5th March, 2026 issued by the office of Lt. Governor of Delhi thereby conveying his approval to CAG audit of the Delhi Discoms as sought for by the Delhi Commission, would not have been brought to our notice, we would not have entertained the objection on behalf of Delhi Discoms for initiation of such an audit by Delhi Commission and would not have passed any order at all.

6. Hence, in our opinion, the instant application filed by the two Delhi Discoms is absolutely mis-conceived and devoid of merit. The same is hereby dismissed.

(for Direction)

7. In this application, the two Delhi Discoms namely BSES Rajdhani Power Ltd. & BSES Yamuna Power Ltd. have prayed as under :-

"(a) Direct Ld. DERC to initiate liquidation of Applicants' RA with carrying cost as per RA judgement in terms of the Appellants' letter dated 20.03.2026 with the revised carrying cost computation as on 12.05.2026 annexed as Annexures B (colly.) and D hereto

(b) Pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the interests of justice and equity."

8. We may note that vide order dated 20th April, 2026 passed in this petition, this Tribunal rejected the request of Delhi Commission for extension of time to commence liquidation of regulatory assets from 01.07.2026 and directed the Commission to commence the liquidation within three weeks from the date of the order.

9. Three weeks, as given to the Commission for commencement of the liquidation of regulatory assets, have already expired on 11.05.2026 but, concededly, the liquidation has yet not begun.

10. Learned Counsel for the applicants/Delhi Discoms would submit that despite clear directions of this Tribunal in this regard, the Commission is showing recalcitrance and defiance of these directions by delaying the liquidation process without any cogent reason.

11. We do find force in the submissions of the Learned Counsel for the applicants but since, in a separate order of even date passed in Review Petition No. 8 of 2026 filed by the Commission, we have directed the Commission to begin the liquidation of regulatory assets w.e.f. 16th June, 2026, no further orders are called for in this application.

12. Hence, the application stands disposed off with liberty to the applicants to approach this Tribunal again by way of an appropriate application in case the Commission does not commence the liquidation w.e.f. 16.06.2026.

Pronounced in the open court on this 27th day of May, 2026.

Virender Bhat
Judicial Member

Seema Gupta
Officiating Chairperson

REPORTABLE / NON REPORTABLE
js