

**COURT-I**

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)**

**IA NO. 784 OF 2018 IN APPEAL NO. 02 OF 2018 &  
IA NO. 10 OF 2018**

**Dated: 5<sup>th</sup> July, 2018**

**Present: Hon'ble Mr. I. J. Kapoor, Technical Member  
Hon'ble Mr. Justice N. K. Patil, Judicial Member**

**In the matter of:**

**M/s Prism Johnson Limited** ..... **Appellant(s)**  
**Versus**  
**Madhya Pradesh Electricity Regulatory Commission & Ors.** ..... **Respondent(s)**

Counsel for the Appellant(s) : Mr. Amit Kapur  
Mr. S. Venkatesh  
Mr. Pratyush Singh  
Mr. Sandeep Rajpurohit

Counsel for the Respondent(s) : Mr. Alok Shankar for R-1  
  
Mr. Aashish Anand Bernard  
Mr. Paramhans  
Mr. R. A. Sharma (*Rep.*) for R-3 & 6  
  
Mr. Vikas Upadhyay for R-4  
  
Mr. Buddy A. Ranganadhan  
Ms. Shikha Ohri for R-5

**ORDER**

**IA NO. 784 OF 2018**

After hearing learned counsel for a considerable length of time, this Tribunal vide order dated 10.01.2018 in I.A. No. 10 of 2018 in the instant appeal has stayed the operation of the impugned order dated 30.12.2017 passed in Petition No. 36 of 2017. The relevant portion of the impugned order reads thus:

*“After hearing the submissions made by the learned counsel appearing for the parties and careful perusal of the material on records, we prima-facie found that the matter requires consideration on merits.*

*Stay the operation and execution of the impugned order dated 30.12.2017 passed in Petition No. 36 of 2017 on the file of the Madhya Pradesh Electricity Regulatory Commission, Madhya Pradesh till further order.”*

By the instant application the appellant has drawn our attention to Schedule of Hearing (July-2018) before Madhya Pradesh Electricity Regulatory Commission (Annexure – B to the said application), wherein at serial no. 10 it is reflected that the matter in issue in the instant appeal will be taken up by the State Commission as Suo-moto petition No. 21 of 2018.

After hearing learned counsel for the parties and on a perusal of the reply filed by the State Commission, we are of the opinion that the State Commission may be directed not to proceed with Suo-moto Petition No. 21 of 2018 till the issues in Appeal No. 02 of 2018 pending for adjudication before this Tribunal are decided. Hence, the following Order:

We direct the State Commission not to proceed with the Suo-moto Petition No. 21 of 2018 pending before it until the issues raised in Appeal No. 2 of 2018 are finally decided by this Tribunal.

Application is disposed of.

**(Justice N. K. Patil)**  
**Judicial Member**

*ts/tpd*

**(I.J. Kapoor)**  
**Technical Member**