

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

ORDER IN APPEAL NO. 101 OF 2015
APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI

Dated : 30th November, 2018

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

NTPC Ltd.
NTPC Bhavan, SCOPE Complex,
Core-7, Institutional Area, Lodhi Road,
New Delhi-110003

....Appellant(s)

Vs.

- 1. Power Grid Corporation of India Ltd. & Ors.**
“Saudamini” Plot No.2
Sector-29, Gurgaon-122 001
- 2. Assam State Electricity Board**
Bijulee Bhawan, Paltan Bazar
Guwahati-782 001
- 3. Meghalaya Energy Corporation Ltd.**
Short Round Road,
Shilling-793 001
- 4. Department of Power**
Government of Arunachal Pradesh
Vidyut Bhawan, Itanagar-79 1111
- 5. Power and Electricity Department**
Government of Mizoram
Power House, Near Bara Bazar
Aizawal-796 001
- 6. Electricity Department**
Government of Manipur, Keisham
Imphal-795 001

7. **Department of Power
Government of Nagaland
A.G.Colony, Kohima-797 005**
8. **Tripura State Electricity Corporation Limited
Bidyut Bhawan, North Banamalipur
Agartala-700 001**
9. **ONGC Tripura Power Corporation Limited
6th Floor, A wing, IFCI Towers
New Delhi-11 00 19**
10. **Central Electricity Regulatory Commission
3rd & 4th Floor Chandralok Building,
36, Janapath, New Delhi-110 001**Respondent(s)

Counsel for the Appellant (s) : Mr. M.G. Ramachandran
Ms. Poorva Saigal
Ms. Ranjitha Ramachandran

Counsel for the Respondent(s) : Ms. Suparna Srivastava for R-1

ORDER

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

1. The Appellant herein questioning the legality and validity of the Impugned Order dated 22.02.2014 passed in Petition No. 184/TT/2011 on the file of the Central Electricity Regulatory Commission, New Delhi, so far, it relates to Asset No. 1 for a period 28.08.2014 to 01.04.2016, neither allowed nor considered, presented this appeal.

2. We heard the Learned counsel appearing for the Appellant and the learned counsel appearing for the Respondents for some time. During the course of the submissions, the learned counsel appearing for both the parties, at the outset submitted that the instant Appeal may be disposed of having regard to the facts and circumstances of the instant case.

The Appellant may be permitted to file necessary application for consideration in Petition No. 184/TT/2011 on the file to the Central Electricity Regulatory

Commission, New Delhi, for redressing their grievances so far it relates to the period from 28.08.2014 to 01.04.2016 on the ground that this aspect has not been considered by the Respondent No. 10 herein without being influenced with the observations made in Paragraph 51 of the Impugned Order. The learned counsel appearing for the Appellant most respectfully submitted that the appropriate directions may kindly be issued to consider it afresh in accordance with the law after affording reasonable opportunity of hearing to the Appellant and the Respondents or their counsel as expeditiously as possible in the interest of justice and equity.

3. **Per-contra**, the learned counsel appearing for the Respondent No. 1, Ms. Suparna Srivastava inter-alia contended and submitted that, having regard to the facts and circumstances of the case and in the light of the submissions made by the learned counsel appearing for the Appellant, an appropriate order may kindly be passed to meet the ends of justice and safeguard the interests of both the parties.

4. Submissions made by the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent No. 1, as stated supra, are placed on record.

In the light of the submissions made by the learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No. 1 as stated supra and without expressing any opinion on merits of the case, it is suffice for this Court if the appropriate Order is passed, it will meet the ends of justice.

5. The Appellant herein is permitted to file necessary application in Petition No. 184/TT/2011 within a period of 4 weeks from the date of receipt of copy of this order

for Redressal of its grievances so far it relates to Asset No. 1 for the period from 28.08.2014 to 01.04.2016.

In the event of such application being filed, the Respondent No. 10 / CERC, is hereby directed to consider the same and pass an appropriate order in accordance with law after affording reasonable opportunity of hearing to the Appellant and Respondents and dispose of the same as expeditiously as possible, at any rate, within a period of six months from the date of appearance of the Parties in person or through their counsel.

The Appellant and the Respondents are hereby permitted to appear in person or through their counsel on 08.01.2019, without further notice, to collect necessary date of hearing.

6. With these observations, the instant Appeal filed by the Appellant stands disposed of.

Order accordingly.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

bn/kt