

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

JUDGMENT IN APPEAL NO. 49 OF 2018 &
IA NO. 1819 OF 2018 ON THE FILE OF THE
APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI

Dated: 5th April, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

Shri Keshav Cements and Infra Limited

Jyoti Tower, No. 215/2, Karbhar Galli
6th Cross, Nazar Camp, M. Vadgaon
Belagavi – 590 005

.....Appellant

VERSUS

1. Karnataka Electricity Regulatory Commission

Having its Office at No. 16, C-1,
Millers Bed Area, Vasantha Nagar
Bengaluru – 560 052
(Represented by its Chairperson)

2. Gulbarga Electricity Supply corporation Limited,

Station Main Road
Kalaburagi – 585 102
(Represented by its Managing Director)

3. Hubli Electricity Supply Corporation Limited

A company registered under the Provisions of
Companies Act, 1956 having its registered office at:
Navanagar, P.B. Road, Hubballi – 580 025
(Represented by its Managing Director)

.....Respondents

Counsel for the Appellant(s) : Mr. Anantha Narayana M.G.

Counsel for the Respondent(s): Mr. Manu Seshadri
Mr. Samarth Chowdhary for R-1

J U D G M E N T

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

1. In the instant Appeal, the Appellant, Shri Keshav Cements and Infra Limited, Belagavi, is questioning the legality, validity and propriety of the common order passed by Karnataka Electricity Regulatory Commission, Bengaluru (1st Respondent herein) dated 09.01.2018 in OP No. 100/2016 and OP No. 47 of 2017.
2. The Appellant has sought the following reliefs in Appeal No. 49 of 2018:
 - i. Call for records.
 - ii. Set aside the common Order dated 09th January, 2018 in O.P. No.90/2016 and O.P. No. 47/2017 passed by 1st Respondent produced herein as Annexure-A1
 - iii. Grant the cost of the Appeal;
 - iv. Pass such other order/s as deemed fit under the facts and circumstances of the present case.
1. We have heard the learned counsel, Mr. Ananta Narayan M G, appearing for the Appellant and the learned counsel, Mr. Manu Seshadri, appearing for the Respondent No.1.
2. The learned counsel for the Appellant and the learned counsel for the Respondent No. 1, at the outset, fairly submitted that, the instant appeal filed by the Appellant may kindly be disposed of following the Judgment and Order dated 29.03.2019 passed in Appeal No. 42 of

2018 & IA No. 214 of 2018 and connected cases (M/s Fortune Five Hydel Projects Pvt. Ltd, vs Karnataka Electricity Regulatory Commission & Ors.) and in terms and for the reasons stated therein in the interest of justice and equity.

2. Submissions of the learned counsel appearing for the Appellant and the Respondent No1, as stated supra, are placed on record.
3. In the light of the submissions of the counsel appearing for the Appellant and the Respondent No. 1 and having regard to the facts and circumstances of the case in hand, it is just and proper to pass an appropriate order to meet the ends of justice as requested by the learned counsel for both the parties in the interest of justice and equity.

ORDER

Having regard to the facts and circumstances of the case, as stated above, the instant appeal filed by the Appellant is allowed.

The common impugned Order dated 09.01.2018 in Petition Nos. 90 of 2016 and 47 of 2017 on the file of the Karnataka Electricity Regulatory Commission (1st Respondent herein) is hereby set aside so far it relates the prayers sought by the Appellant in the instant appeal.

The matter stands remitted back to the first Respondent, KERC with the direction to pass the appropriate order in the light of the observations made in the preceding paragraphs of the Judgment dated 29.03.2019 passed in Appeal No. 42 of 2018 & IA No. 214 of 2018 and

connected cases (M/s Fortune Five Hydel Projects Pvt. Ltd, vs Karnataka Electricity Regulatory Commission & Ors.), in accordance with law as expeditiously as possible at any rate within six months.

The Appellant and the Respondents herein are directed to appear before the first Respondent, KERC personally or through their counsel without notice on 29.04.2019.

IA NO. 1819 of 2018

In view of the Appeal No. 49 of 2018 on the file of the Appellate Tribunal for Electricity, New Delhi being disposed of, on account of which, the reliefs sought in IA No. 1819 of 2018 does not survive for consideration and, hence, stands disposed of.

Order accordingly.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N.K. Patil)
Judicial Member