

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

APPEAL NO. 32 OF 2015 & IA No.248 of 2017

Dated: 06th April, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

A.NO. 32 OF 2015

In the matter of :

Talwandi Sabo Power Ltd.

Vs.

Punjab State Electricity Regulatory Commission & Ors.

...Appellant(s)

...Respondent(s)

Counsel for the Appellant(s) : Mr. Sujit Ghosh
Mr. Shashank Sekhar
Mr. Krishna Rao

Counsel for the Respondent(s) : Mr. Matrugupta Mishrai
Mr. Nishant Kumar Jha for R.1

Ms. Ranjitha Ramachandran
Mr. Ajay Gupta, ASE (Projects) for PSPCL

ORDER

IA No.248 of 2017

(IA for Stay)

In IA No.248 of 2017, Learned Counsel for the Appellant has made the following prayers :

“(a) Stay further deductions by Respondent No2 on account of grant of mega power project status to the Appellant and maintain status quo till the matter is finally adjudicated by this Hon'ble Tribunal; and

(b) Pass such further Order or Orders as this Hon'ble Tribunal may deem just and proper in the circumstances of the case".

We have heard learned counsel for the parties. Learned Counsel for Punjab State Power Corporation Limited (PSPCL) R-2 herein on instructions from PSPCL states that there shall be no adjustment in the bill payment to be made in April 2017 for the quantum of Mega Power Status Benefits which Talwandi Sabo Power Ltd.(TSPL) is required to pass on to PSPCL in terms of the impugned order of Punjab State Electricity Regulatory Commission provided that TSPL furnishes a Bank Guarantee for the said amount. Counsel for the PSPCL further states that the quantum related to the Mega Power Status Benefits shall be released by PSPCL to TSPL against the Bank Guarantee from a nationalized bank/scheduled bank. The counsel further states that the above accommodation shall be restricted to the bill payment to be made in the month of April, 2017 for the billing month of February, 2017 and further only to the quantum of Mega Power Status Benefits, the same shall not in any manner affect the other rights of PSPCL for adjustment on account of other aspects, if any.

We accept this statement. In view of this statement , PSPCL shall not make any adjustment in the bill payment to be made in April, 2017 for

the billing month of February, 2017 on account of Mega Power Status Benefits.

We direct the Appellant to furnish the bank guarantee within a period of two weeks from today. Counsel for the Appellant states that Appellant undertakes to furnish the bank guarantee within two weeks. We direct PSPCL to make payment for the billing period of February, 2017 payable in April, 2017. Payment will be released on due date in the month of April, 2017. This order is passed without prejudice to rights and contentions of the parties. Needless to say that this order will abide by the final order which will be passed in the main appeal.

Accordingly, the IA No. 248 of 2017 in Appeal no. 32 of 2015 is disposed of.

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

Pr/mk