

**COURT-I**

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**EP NO. 1 OF 2015 IN  
APPEAL NO. 256 OF 2012**

**Dated: 28<sup>th</sup> August, 2015**

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

**In the matter of:-**

**M/s. Nava Bharat Ventures Ltd.**

**.... Appellant (s)**

**Versus**

**GRIDCO Ltd.**

**.... Respondent (s)**

Counsel for the Appellant(s) : Mr. Ashok K. Praija, Sr. Adv.  
Mr. R.M. Patniak  
Mr. P.P. Mohanty

Counsel for the Respondent(s) : Mr. R.K. Mehta  
Mr. Abhishek Upadhyay  
Ms. Himanshi Andley for R.2

**ORDER**

The petitioner has filed this petition seeking a direction to Respondent No.1- Grdico to give effect to/comply with the directions of this Tribunal in Judgment dated 01.10.2014 passed in Appeal No. 256 of 2012. The petitioner has also sought a direction to direct Respondent No.1 to pay the arrear dues of petitioner along with the delayed payment surcharge accrued thereon at the earliest.

We have heard learned counsel for the parties.

Learned counsel for Respondent No.1 states that against the Order dated 01.10.2014, an appeal has been carried to the Supreme Court. He states that the

Supreme Court has issued notice on admission. He further states that the prayer for stay has been rejected subject to the condition that the Appellant herein gives a bank guarantee for the DPS amount.

In our opinion, Respondent No.1 cannot escape its liability of paying the petitioner as per the Order dated 01.10.2014 which is in the nature of money decree. Needless to say that the said amount will abide by the final order that may be passed in the Appeal which is pending in the Supreme Court. We therefore direct Respondent No.1 to comply with Order dated 01.10.2014 within four weeks, failing which we will have to direct that the Order dated 01.10.2014 be executed as a decree of Civil Court as provided under Section 120(3) of the Electricity Act, 2003. We may also consider whether it is necessary to transmit the said Judgment to the Civil Court having local jurisdiction for execution.

Adjourned to **09.10.2015.**

**(I.J. Kapoor )**  
**Technical Member**  
Ts/dk

**(Justice Ranjana P. Desai)**  
**Chairperson**