

**Court-II**

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

**EP No. 4 of 2015 in Appeal No.221 of 2014**

**Dated : 20<sup>th</sup> August, 2015**

**Present : Hon'ble Mr. Justice Surendra Kumar, Judicial Member  
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

**In the matter of:**

**Mula Pravara Electricity Co-operative Society Ltd. .... Execution Petitioner**

**Versus**

**Maharashtra State Electricity Distribution Co. Ltd. .... Respondent(s)**

Counsel for the Appellant (s) : Mr. Hasan Murtaza and Ms. Malavika Prasad

Counsel for the Respondent (s) : Mr. Aditya Dewa

**ORDER**

The appellant petitioner, namely Mula Pravara Electricity Co-operative Society Ltd. (MPECS) has moved this application against the respondent Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL, a distribution company, distributing electricity in the State of Maharashtra under Section 120(3) of the Electricity Act 2003 making certain prayers therein submitting that this Appellate Tribunal in Appeal No.221 of 2014 titled Mula Pravara Electricity Co-operative Society Ltd. Vs. Maharashtra State Electricity Distribution Co. Ltd. & Ors. vide judgment dated 13.03.2015, *inter alia*, directed respondent No.2, MSEDCL, (which may be called as a 'judgment debtor' herein) to pay the appellant petitioner a sum of Rs.1 Crore per month from the date mentioned by the State Commission in the interim order dated 15.10.2012 in the same Petition No. 24 of 2012 till the disposal of the said petition on merits and the previous outstanding amount which was to be paid by respondent No.2, distribution licensee, to the appellant petitioner in the light of the interim order dated 15.10.2012 shall also be paid by respondent No.2, distribution licensee, within a period of three months in equal installments to the appellant petitioner and if the same is not paid within three months,

then interest @ 10% per annum shall further be paid by distribution licensee to the appellant petitioner till the complete outstanding amount is paid by respondent No.2 to the appellant petitioner.

Since the appellant was apprehensive at the time of hearing of this appeal that the distribution licensee shall not pay the outstanding amount, the penalty clause was imposed in the judgment of this Tribunal directing it in case of failure to pay the interest as stated above. Mr. Aditya Dewan, learned counsel appearing for respondent No.2, MSEDCL, distribution licensee, submits that the Civil Appeal against the impugned judgment of this Appellate Tribunal has been filed before the Hon'ble Supreme Court under Section 125 of the Electricity Act 2003 and the notice has been issued. On our query Mr.Dewan candidly admits that no stay order has been passed by the Hon'ble Supreme Court against the impugned judgment of this Appellate Tribunal. Without passing any detailed order at this stage this Execution Petition be admitted, registered and since Mr.Dewan has put in his appearance, there is no need to issue notice to the distribution licensee. The distribution licensee may file objections within two weeks from today as regards the execution application.

It is further cleared that the distribution licensee may file stay order, if any, passed by the Hon'ble Supreme Court against the impugned judgment otherwise face the consequences under the provision of CPC because Section 120(3) of the Electricity Act 2003 empowers this Appellate Tribunal with all the powers of a Civil Court meant for execution of a decree. Thus we direct the distribution licensee to comply with our judgment if no stay order is issued by Hon'ble Supreme Court otherwise this Appellate Tribunal will be constrained to proceed as per the provision of the CPC for getting the judgment/decreed of this Appellate Tribunal executed.

Post this Execution Petition for hearing on 08<sup>th</sup> September, 2015.

**( T. Munikrishnaiah )**  
**Technical Member**

**( Justice Surendra Kumar )**  
**Judicial Member**

sh/dk