

**COURT-I**

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

**APPEAL NO. 219 OF 2016 &  
IA NOS. 469 & 470 OF 2016**

**Dated: 31<sup>st</sup> August, 2016**

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

**In the matter of:-**

**M/s. Maral Overseas Ltd.**

**...Appellant(s)**

**Vs.**

**Madhya Pradesh Electricity Regulatory Commission & Anr.**

**...Respondent(s)**

Counsel for the Appellant(s)

:

Mr. Sanjay Sen, Sr. Adv  
Mr. Deepak Biswas  
Mr. Nishith Mishra  
Mr. Arjun Minocha

Counsel for the Respondent(s)

:

Mr. S. Venkatesh and  
Mr. Varun Singh for R-1

Mr. M.G. Ramachandran,  
Ms. G. Maheshwari and  
Mr. S.P. Sharma for R-2

**ORDER**

Admit. Issue notice. Mr. Venkatesh takes notice on behalf of Respondent No.1 and Mr. M.G. Ramachandran takes notice on behalf of Respondent No.2.

**(IA No. 469 of 2016)**  
**(Application for stay)**

In this appeal we are concerned primarily with the question relating to levy of Parallel Operation Charges (“**POC**”). The prayer made by the Appellant is for stay of operation and implementation of impugned Order dated 31.12.2012 passed by the Madhya Pradesh State Electricity Regulatory Commission in Suo Motu Petition No.73 of 2012 with respect to the Appellant’s Maral Captive Power Plant.

We are informed that the Appellant had filed W.P. No.12841 of 2013 before the Madhya Pradesh High Court, which was later on transferred to Jabalpur Bench and was renumbered as Writ Petition No.2048 of 2014. By Order dated 28.10.2013, the Madhya Pradesh High Court stayed the invoices raised on the Appellant by Respondent No.2 regarding its Maral Captive Power Plant subject to the condition that the Appellant continues to deposit 50% of the invoiced amounts. The said writ petition was disposed of on 23.05.2016 giving liberty to the Appellant to approach this Tribunal. The interim relief granted earlier was vacated by the Madhya Pradesh High Court. Pursuant to the liberty granted, the present appeal is filed.

We have heard learned counsel for the parties. We feel that during the pendency of this appeal following interim order should be in place.

The Appellant shall continue to pay 50% of the POC amount for which the Respondent has raised/will be raising the bills/invoices in accordance with Order dated 31/12/2012 passed by the State Commission in Suo Motu Petition No.73 of 2012. The Appellant shall give an undertaking that the remaining amount claimed by the Respondent in terms of the above bills/invoices shall be paid along with interest for the overdue period within 60 days from the date of the decision of the present appeal by this Tribunal, in the event the POC amount is held to be payable in the present proceeding.

With above directions IA No. 469 of 2016 is disposed of.

List the appeal on 08.11.2016. In the meantime, pleadings be completed.

**(I.J. Kapoor )**  
**Technical Member**  
ts/mk

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