

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APPEAL NO. 211 OF 2018 &
IA NO. 995 OF 2018

Dated: 07th August, 2018

Present: Hon'ble Mr. Justice N. K. Patil, Judicial Member
Hon'ble Mr. S. D. Dubey, Technical Member

In the matter of:

Tata Prasanna Kumar

.... Appellant(s)

Versus

Karnataka Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Basava Prabhu Patil, Sr. Adv.
Ms. Neha Garg

Counsel for the Respondent(s) : Mr. Sriranga S.
Ms. Sumana Naganand
Ms. Pratiksha Mishra
Ms. Pallavi Sengupta
Mr. Mayank Kshirsagar for R-2

ORDER

The learned counsel, Mr. Sriranga S., appearing for the second Respondent prays for two weeks time to file his objection to the IA No. 995 of 2018 and also reply to the main appeal.

Submission made by the learned counsel appearing for the second Respondent, as stated above, is placed on record.

The learned counsel appearing for the second Respondent is permitted to file his objection to the IA No. 995 of 2018 and also reply to the main appeal by 21.08.2018, after duly serving copy on the other side. Thereafter, rejoinder, if any, may be filed by 04.09.2018, after duly serving copy on the other side.

The learned senior counsel, Mr. Basava Prabhu Patil, appearing for the Appellant, on instruction from the Advocate on record, at the outset, submitted that, the Appellant undertake to execute PPA subject to the outcome result of this Appeal. Further, he submitted that, the second Respondent may kindly be directed to comply with the Impugned Order dated 05.07.2018 passed in OP No. 136/2017 on the file of the Karnataka Electricity Regulatory Commission, Bangalore and also the second Respondent may be directed to pay a tariff of Rs.5.20 (Rupees five and paise twenty) only per unit, under net metering for the electricity generated and injected from his Solar Power Plants immediately without prejudice the rights of the Appellant and subject to the outcome result of this Appeal.

In the light of the submissions made by the learned senior counsel appearing for the Appellant, the learned counsel appearing for the second Respondent submitted that, they will comply with the Order dated 05.07.2018 passed in OP No. 136/2017 on the file of the Karnataka Electricity Regulatory Commission, Bangalore in the event the Appellant execute PPA subject to outcome result of this Appeal as expeditiously as possible at any rate within a period of three weeks from today.

Submissions made by the learned senior counsel appearing for the Appellant and the learned counsel appearing for the second Respondent, as stated supra, are placed on record.

After careful consideration of the submissions made by the learned senior counsel appearing for the Appellant and the learned counsel appearing for the second Respondent, the Appellant herein, is directed to execute PPA with the

second Respondent within a period of one week from the date of the receipt of this Order subject to the outcome result of this Appeal under protest.

The second Respondent herein is directed to comply with the Order dated 05.07.2018 passed in OP No. 136/2017 on the file of the Karnataka Electricity Regulatory Commission, Bangalore subject to the outcome result of this Appeal without prejudicing the rights of the Appellant as expeditiously as possible at any rate within a period of three weeks i.e. on or before 14.09.2018.

List this matter on 19.09.2018, as agreed by the learned counsel appearing for the Appellant and the second Respondent.

(S. D. Dubey)
Technical Member
vt/js

(Justice N. K. Patil)
Judicial Member