

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NO. 430 OF 2018 IN
APPEAL NO. 120 OF 2018 &
IA NO. 42 OF 2018**

Dated: 4th December, 2018

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S. D. Dubey, Technical Member**

In the matter of:

Photon Suryakiran Pvt Ltd.

...Appellant(s)

Vs.

**Mangalore Electricity Supply Company Ltd
& Anr.**

...Respondent(s)

Counsel for the Appellant(s) : Mr. Gyanendra Kumar
Ms. Anuradha Mukherjee
Ms. Pallavi Singh Rao

Counsel for the Respondent(s) : Mr. Darpan K.
Mr. Amrita Sharma for R.1

ORDER

**IA NO. 430 OF 2018
*(Application for stay)***

Heard learned counsel for Appellant as well as Respondent No.1. Apparently, in terms of the letter dated 25-05-2017, forced extended SCOD Liquidated Damages were asked to be adjusted by the Appellant from the monthly energy bills. There is dispute with regard to rejection of extension of SCOD which came to be allowed by Mangalore Electricity Supply Company Limited (MESCOM).

On account of direction by the Commission, adjustment of 25% of LD is now being done. Since Appellant has to pay his credit bills every month after commissioning of the project since May 2017, we are of the opinion, no prejudice would be caused if we grant stay to recovery of the LD from the future monthly tariff payable. Accordingly stay is granted for the same till the next date of hearing.

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Learned counsel for Respondents may file reply within six weeks, i.e. on or before 15-1-2019 with advance copy to the other side. Thereafter, Appellant may file rejoinder within three weeks, i.e. on or before 5-2-2019 with advance copy to the other side.

List the matter on **11-3-2019**.

(S.D. Dubey)
Judicial Member

(Justice Manjula Chellur)
Chairperson

tpd/pk