

COURT-II

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

Appeal No.284 of 2015 & IA No. 467 of 2015

Dated: 15th December, 2015

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

In the matter of:-

**Indraprastha Power Generation Co. Ltd. Appellant(s)
Versus
Delhi Electricity Regulatory Commission & Ors. ... Respondent(s)**

Counsel for the Appellant(s) : Mr. Anand K. Ganesan and Mr. Ishaan Mukherjee
Counsel for the Respondent(s) : -

ORDER

Heard. Admit. Issue notice to the respondent(s), returnable within three weeks from today and counter affidavit may be filed within four weeks and rejoinder, if any, be filed within two weeks thereafter, after serving a copy to the other side.

Dasti service is permitted.

Heard on the IA No. 467 of 2015 praying for stay of the Impugned Order.

The main contention of the learned counsel for the appellant, a generating company, is that the learned Regulatory Commission has trued up the variable charges while determining the ARR for FY 2012-13 and 2013-14 along with carrying cost for 2014-15. According to the appellant, the net surplus should be Rs.29.82 crores whereas the State Commission has determined as Rs.89.73 crores, thus we find that there is a three times difference so far as the net surplus is concerned. Considering this fact, we deem it proper to stay the operation of the Impugned Order, subject to the condition that the appellant shall deposit Rs.30 Crores within a month from today. Ordered accordingly.

The objections may be filed by the respondent within the afore stated period and the above IA shall be heard on the next date of hearing.

Post the matter for hearing on **04th February, 2016.**

**(T. Munikrishnaiah)
Technical Member**

**(Justice Surendra Kumar)
Judicial Member**