

COURT-II

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

Appeal No.288 of 2015 & IA No. 469 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:-

**Pragati Power Corporation 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 and counter affidavit may be filed within four weeks and rejoinder, if any, be filed within two weeks from today, after serving a copy to the other side.

Dasti service is permitted.

IA No. 469 of 2015

Heard.

The IA No. 469 of 2015 has been filed 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 2012-13 and 2013-14 along with carrying cost for 2014-15. 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.35 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**