

COURT-II

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

**EP No. 2 of 2015 in A.Nos. 76 of 13 & 82 of 2013
IA Nos. 466 of 2015, 482 of 2015 and 483 of 2015**

Dated: 21st December, 2015

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

In the matter of:-

Eastern India Powertech Ltd. Execution Petitioner

Versus

**Assam Power Distribution Co.
Ltd. & Ors.**

Respondent(s)

Counsel for the Execution Petitioner : Mr. Krishna Venugopal, Sr. Adv.
Mr. Manu Seshadri
Mr. Abhishek Roy
Ms. Trishala Kulkarni
Mr. Udai Rathore

Counsel for the Respondent(s) : Mr. Pragyan Sharma
Mr. Ravi Kant Pal &
Mr. A.K. Thakur for R-4
Mr. Buddy A. Ranganadhan &
Ms. Purna Priyadarshni for Intervener
Mr. Avijit Roy &
Ms. Bharati Das for R-1

ORDER

Mr. M.K. Adhikari, General Manager (TRC), APDCL through Mr. Avijit Roy, learned counsel for APDCL presents a cheque bearing no. 496155 dated 16.12.2015 for Rs. 9,00,00,000/- (Rs. Nine crore only) drawn on State Bank of India, New Guwahati, Bamunimaidam, New Guwahati Dist-Kamrup, Assam-781021 in favour of the Registrar, Appellate Tribunal for Electricity, Core-4, Scope Complex, Lodhi Road, New Delhi -110 001.

As per our earlier order dated 18.11.2015, an amount of Rs. 9 crore was required to be deposited by the respondent nos. 1 & 2 within 10 days from the date of order but the cheque of this amount is being presented before this Tribunal today submitting that

new Managing Director has recently taken over the charge and there were some other official difficulties. Let the said cheque be deposited with the Registrar of this Tribunal and the Execution Petitioner shall be at liberty to withdraw the amount of the said cheque subject to the adjustments to be made subsequently in this Execution Petition.

At this stage, Mr. Buddy A. Ranganadhan, learned counsel for the applicant / Assam Gas Co. Ltd. is pressing for hearing and disposal of the two I.A.s bearing Nos. 482 of 2015 & 483 of 2015 which have been moved on behalf of the applicant for intervention. It is made clear that the said applications shall be heard and disposed of subsequently.

After hearing both the parties at length, we deem it proper to post the hearing of this Execution Petition to **5th February, 2015.**

Vide order dated 23rd September, 2015 we directed both the parties to calculate the outstanding amount right from the beginning year of the dispute FY 2008-09. As per the learned counsel appearing for the discoms, the calculation is not possible today. We issue a fresh direction to both the parties to calculate the outstanding amount right from the beginning of the dispute i.e. FY 2008-09 till 2014-15. If any, party fails to comply with the direction of this Tribunal, then we shall go by the Tribunal's judgment in letter and spirit without wasting any further time as considerable time has already been given by this Tribunal in this matter.

At this stage, we have been informed by the Registrar of this Tribunal that he has no official bank account. Hence the aforesaid cheque be returned to Mr. M.K. Adhikari, General Manager (TRC), APDCL with the direction to issue a fresh cheque of the same amount in favour of the Execution Petitioner viz M/s. Eastern India Powertech Ltd. within 10 days from today.

(T. Munikrishnaiah)
Technical Member
rkt/sh

(Justice Surendra Kumar)
Judicial Member