

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**IA NO. 591 of 2016 IN
APPEAL NO. 288 OF 2016 &
IA NO. 592 OF 2016**

Dated: 5th December, 2016

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:

**The Association of Polyester Continuous
Polymerization Industries of DNH
Vs.**

.... Appellant(s)

Joint Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Gaurav Mitra
Mr. Himanshu Suman
Mr. Gaurav Thakur
Mr. Adarsh Rai

Counsel for the Respondent(s) : Mr. Varun Pathak for R-1

Mr. Anand K. Ganesan
Ms. Swapna Seshadri for R-2

Mr. Rohit Rao N. for Caveator

ORDER

APPEAL NO. 288 OF 2016

Considering the nature of dispute, list the matter for final hearing on **21.12.2016**. Reply, if any, may be filed on or before 12.12.2016 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 19.12.2016 after serving copy on the other side.

IA NO. 591 of 2016
(Appl. for stay)

We have heard learned counsel for the parties.

So far as this interim application for interim relief is concerned, we are of the opinion that without going into merits of the matter and without prejudice to the rights and contentions of all the parties, following arrangement made, on the basis of the statements made by learned counsel for both the parties, should be in place during the pendency of the appeal:

“The Appellant shall pay additional surcharge to the 2nd Respondent. The 2nd Respondent shall keep the said amount in a separate account and that amount shall abide by the final order which will be passed in this appeal. The 2nd Respondent shall issue the required NOC.”

The Application is disposed of.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/vt