

COURT-I

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

IA NO. 662 OF 2016
IN
DFR NO. 3822 OF 2016

Dated: 2nd December, 2016

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

In the matter of :

**HINDALCO Industries Ltd.
Vs.**

.... Appellant(s)

Kerala State Electricity Regulatory Commission and Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Ramji Srinivasan
Ms. Vanita Bhargava
Mr. Abhisar Bairagi
Mr. Vivek Paul Oriel

Counsel for the Respondent(s) : Mr. Ramesh Babu for R.1

Mr. Abraham C. Mathews
Mr. Nishe Rajen Shonker for R.3

Mr. P.V. Dinesh for R.2

ORDER

IA NO. 662 OF 2016
(Appl. for leave to appeal)

In this application, the Applicant/Appellant has prayed that it may be granted leave to appeal against the Order dated

30.04.2004 passed by the Kerala State Electricity Regulatory Commission.

We have heard learned counsel for the parties. For the reasons stated in the application leave to appeal is granted. Application is disposed of.

Registry is directed to number the Appeal and other Applications.

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Issue notice. Mr. Ramesh Babu takes notice on behalf of Respondent No.1 and Mr. Abraham C. Mathews takes notice on behalf of Respondent No.3. Notice be issued to other Respondents returnable on 02.02.2017. Dasti, in addition, is permitted.

It appears that the Appellant had filed Special Leave Petition in the Supreme Court. On 15.09.2014, the following order was passed by the Supreme Court in the Special Leave Petition:

“Issue notice limited to the question of liability of the petitioner to pay the amount of Rs.6.4 crores. As an interim measure, subject to the condition that the petitioner-Hindalco Industries Limited deposits an amount of Rs. 2 crores with Kerala State Electricity Board, payment of remaining amount out of the aforesaid amount of Rs. 6.4 crores shall remain stayed. ”

We are informed that the Appellant has deposited the amount of Rs. 2 crores with the Kerala State Electricity Regulatory Commission as per the direction of the Supreme Court dated 15.09.2014. On 09.11.2016, the Supreme Court disposed of the Special Leave Petition filed by the Appellant. While disposing of the same, the Supreme Court continued the interim stay granted by it for four weeks with the liberty to the Appellant to take further steps in accordance with law. Pursuant to the liberty granted by the Supreme Court, the Appellant has filed the present appeal.

In the circumstances of the case, we are of the opinion that the order dated 15.09.2014 passed by the Supreme Court should continue to operate during the pendency of this appeal. Order accordingly. Application for interim relief is disposed of.

List the main appeal **02.02.2017.**

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

Ts/Vg