

**COURT-II**

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

**Appeal No. 188 of 2015 &  
IA NOs. 352 & 353 of 2015**

**Dated: 5<sup>th</sup> February, 2016**

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

**In the matter of:**

|   |               |                          |
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| <b>Torrent Power Ltd.</b>   | <b>Versus</b> | <b>....Appellant(s)</b>  |
| <b>Uttar Pradesh Electricity Regulatory Commission &amp; Ors.</b> |               | <b>....Respondent(s)</b> |

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| Counsel for the Appellant (s) | : | Mr. Ramji Srinivasan, Sr. Adv.<br>Ms. Deepa Chawan<br>Mr. H.S. Jaggi<br>Mr. V.C. Shukla |
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| Counsel for the Respondent (s) | : | Mr. C.K. Rai &<br>Mr. Paramhans for R-1<br>Mr. Pradeep Misra &<br>Mr. Shashank Pandit for R-2<br>Ms. Alka Agarwal for R-3. |
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**ORDER**

Mr. Pradeep Mishra, Learned Counsel for Respondent No. 2 and Ms. Alka Agarwal, Learned Counsel for Respondent No. 3 submits that the Counter Affidavit/Reply is ready and they are filing the same today. They may be allowed to file the Counter Affidavit/Reply today. Mr. C.K. Rai, Learned Counsel for State Commission submits that no Counter Affidavit is proposed to be filed on behalf of the State Commission and he submits that the State Commission wants to file some documents/evidences/franchise agreement and supplementary agreement in

compliance to the above earlier order passed in this appeal. He is permitted to do so. Let the same evidences/documents be taken on record.

Learned Counsel for the Appellant is granted two weeks time to file Rejoinder Affidavit after serving copy on the other side. Only question in the appeal is whether the State Commission has jurisdiction to pass Interim Order under section 86 of the Electricity Act, 2003.

Post this matter for hearing on 01.03.2016. Interim order shall continue to the next date.

**(T. Munikrishnaiah)**  
**Technical Member**

dk/vg

**(Justice Surendra Kumar)**  
**Judicial Member**