

COURT-II
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal Nos. 239 of 2015, 240 of 2015 & IA-393 of 2015,
Appeal Nos. 241 of 2015 & IA-394 of 2015, 203 of 2015

Dated: **18th February, 2016**

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

In the matter of:-

Appeal Nos. 239 of 2015, 240 of 2015 & IA-393 of 2015,
Appeal No. 241 of 2015 & IA-394 of 2015

Indian Wind Power Association **Appellant (s)**
Versus
Tamil Nadu Generation & Distribution Corporation Ltd. & Ors..... **Respondent (s)**

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Mr. Rahul Balaji
Mr. Senthil Jagadeesan
Ms. Shruti Iyer

Counsel for the Respondent(s) : Mr. G. Umapathy
Mr. S. Vallinayagam

Appeal No. 203 of 2015

TANTRANSCO Ltd. & Ors. **Appellant (s)**
Versus
M/s Indian Wind Power Association & Ors. **Respondent (s)**

Counsel for the Appellant(s) : Mr. G. Umapathy
Mr. S. Vallinayagam

Counsel for the Respondent(s) : Mr. Amit Kapoor
Mr. Rahul Balaji
Mr. Senthil Jagadeesan
Ms. Shruti Iyer
Ms. Apoorva Mishra for R-1

ORDER

We have heard Mr. G. Umapathy, learned counsel appearing for TANTRANSCO, a transmission licensee, and Mr. M.G. Ramachandran and Mr. Amit Kapur, learned counsel appearing for Power Generators on the point of reference of the matter for arbitration. This is a case where cross appeals have been filed against the orders of 2 Members of the State Commission where each Member has given dissenting judgment on some aspects. Mr. G.

Umapathy says that though, the State Commission is fully competent to refer any dispute to arbitration but, this Appellate Tribunal is not empowered. Without deciding this controversy, we deem it proper to keep this point open for future consideration of the matter before this Appellate Tribunal. Thus, Mr. G. Umapathy is against the appointment of some arbitrator by this Appellate Tribunal, so now, we think it proper not to appoint any arbitrator to resolve the dispute because the apprehension of the rival parties is that once the arbitrator give some award, the said award may be challenged in some Civil Court and that may take further a long time.

Now, after hearing both the parties and see the nature of the dispute in the cross appeals, we deem it proper to decide these appeals ourselves.

Since, these are the cross appeals, which are four in numbers, we direct both the parties to complete the pleadings in these matters within two weeks positively and no more.

Post these cross appeals for hearing on 31st March, 2016.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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