

COURT-II

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

**IA No. 332 of 2015 in DFR No. 1577 of 2015,
Appeal No.191 of 2015 & IA 331 of 2015,
Appeal No.235 of 2015 & IA No.387 of 2015,
Appeal No.202 of 2015 & IA Nos. 339 & 442 of 2015
&
A No.264 of 2015 & IA Nos. 420 & 421 of 2015**

Dated : 03rd February, 2016

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

IA No. 332 of 2015 in DFR No. 1577 of 2015

In the matter of:

M/s. Lanco Power Ltd.,

.... Appellant(s)

Versus

Rajasthan Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant (s)

**: Mr. Akhil Sibal,
Mr. Deepak Khurana &
Ms. Vikas Mishra**

Counsel for the Respondent (s)

**: Mr. Abhishek V. Deshmukh for R-9
Mr. Raj Kumar Mehta,
Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R-1
Mr. Hemant Singh &
Mr. Tabrez Malawat for R-10
Mr. Ravi Kishore for R-8
Mr. Pankaj Kumar Singh for R-12
Mr. Prabal Mehrotra for R-11
Mr. Anand K. Ganesan for R-3,4,5 & 7
Mr. Puneet Jain &
Ms. Chhaya Kirti for R-2**

A.No.191 of 2015 & IA 331 of 2015

Lanco Power Limited

.... Appellant(s)

Versus

Rajasthan Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Akhil Sibal,
Mr. Deepak Khurana &
Vikas Mishra

Counsel for the Respondent (s) : Mr. Pankaj Kumar Singh &
Mr. Abhishek V. Deshmukh for R-9
Mr. Raj Kumar Mehta,
Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R-1
Mr. Ravi Kishore for R-8
Mr. Prabal Mehrotra for R-11

Appeal No. 235 of 2015 & IA No. 387 of 2015

D.B. Power Limited Appellant(s)
Versus
Rajasthan Electricity Regulatory Commission & Ors Respondent(s)

Counsel for the Appellant (s) : Mr. Hemant Singh &
Mr. Tabrez Malawat

Counsel for the Respondent (s) : Mr. Pankaj Kumar Singh &
Mr. Abhishek V. Deshmukh for R-9
Mr. Ravi Kishore for R-8
Mr. Raj Kumar Mehta,
Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R-1
Mr. Prabal Mehrotra for R-11
Mr. Akhil Sibal,
Mr. Deepak Khurana,
Mr. Vikas Mishra for R-10

A.No.202 of 2015 & IA 339 of 2015

Athena Chhattisgarh Power Limited Appellant(s)
Versus
Rajasthan Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant (s) : Mr. Pankanj Kumar Singh

Counsel for the Respondent (s) : Mr. Abhishek V. Deshmukh for R-9
Mr. Ravi Kishore for R-8
Mr. Raj Kumar Mehta,

Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R-1
Mr. Prabal Mehrotra for R-12
Mr. Akhil Sibal,
Mr. Deepak Khurana &
Mr. Vikas Mishra for R-11
Mr. Anand K. Ganesan for R-3,4,5 & 7

A No.264 of 2015 & IA 420 & IA 421 of 2015

SKS Power Generation (Chhattisgarh) Ltd.

.... Appellant(s)

Versus

Rajasthan Electricity Regulatory Commission & Ors

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Prabal Mehrotra &
Mr. Atul Shankar Mathur

Counsel for the Respondent (s) : Mr. Pankaj Kumar Singh &
Mr. Abhishek V. Deshmukh for R-9
Mr. Ravi Kishore for R-8
Mr. Raj Kumar Mehta,
Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R-1
Mr. Akhil Sibal,
Mr. Deepak Khurana &
Mr. Vikas Mishra for R-11
Mr. Anand K. Ganesan for R-3,4,5 & 7

O R D E R

IA No. 332 of 2015 in DFR No. 1577 of 2015 has been filed seeking condonation of delay of 173 days in filing the appeal against the Interim Order. By that Interim Order, the State Commission has held that the application of the Petitioner seeking reduction of quantum of power to be procured from 1000 MW to 500 MW is maintainable. We may mention here that the State commission vide final Judgment/Order has allowed said application against which Appeal No. 191 of 2015 has already been filed which is also fixed for hearing today. Since we are to enter into the merits of the question whether the application of the procurer having entered into a PPA for reducing the capacity from 1000 MW to 500 MW is maintainable or not, we deem it proper and also in the interest of justice to condone the said delay. If after hearing the matter on merits, this Tribunal expresses the views that the said application was not maintainable, then the situation would be reverse.

In these circumstances, IA No. 332 of 2015 in DFR No. 1577 of 2015 is hereby allowed. Registry is directed to number the appeal.

Heard. Admit. No notice is required to be issued to the Respondents since all parties are already in appearance in other appeals. The Respondents may file Counter Affidavit within three weeks' from today after serving copy on the other side. Thereafter, rejoinder, if any, be filed within two weeks after serving copy on the other side.

Post this appeal along with A.No. 191 of 2015, 235 of 2015, 202 of 2015 & 264 of 2015 for hearing on **28.03.2016**. We may further make it clear that all the Respondents in these appeals are required to file Counter Affidavits and rejoinder if any, during the said period, after serving copy on the other side.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

hcj/dk