

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL NO. 34 OF 2017 &
IA NOS. 75 AND 76 OF 2017**

Dated: 20th February, 2017

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

In the matter of:-

M/s. Suryachakra Power Corporation Ltd.

...Appellant(s)

Vs.

Electricity Department, A&N Administration & Ors.

...Respondent(s)

Counsel for the Appellant(s)

:

Mr. M.G. Ramachandran
Mr. Rohit Rao N.
Mr. Mukund P. Unny

Counsel for the Respondent(s)

:

Mr. Rakesh Khanna, Sr. Adv.
Ms. Ruchi Sindhwani
Ms. Meghna Bharara
Ms. Shefali Jain
Mr. U.K. Paul (SE, AGN Admn.)
for R-1 & R-2

ORDER

We have heard the learned counsel for the parties.

Admit. Mr. Rakesh Khanna, learned senior counsel takes notice on behalf of Respondent No. 1 and 2. Notice be issued to the other respondents returnable on or before 05.04.2017.

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ORDER
I.A. No. 75 of 2017
(For Stay)

The Appellant has challenged in the instant appeal order dated 13.01.2017 passed by the Joint Electricity Regulatory Commission (**“Joint Commission”**) in Petition No. 174 of 2015, whereby the Joint Commission has determined that an amount of Rs. 9,67,07,816/- is receivable by respondent No. 1 from the Appellant. In the present IA, the Appellant has prayed that the Impugned Order be stayed.

We have heard the learned counsel for the parties.

In the circumstances of the case, we are of the opinion that the following interim order will meet the ends of justice:

- (a) The Appellant will furnish a bank guarantee of Rs.9,67,07,816/- from a nationalised bank/scheduled bank to secure the amount of Rs. 9,67,07,816/- within a period of 30 days from today.
- (b) On such bank guarantee being furnished in favour of respondent No.1, respondent No. 1 shall continue to pay a monthly tariff as per the PPA and the terms prevalent day before the Impugned Order.

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- (c) On such bank guarantee being furnished, respondent No.1 shall not take steps to recover the amount of Rs.9,67,07,816/- from the Appellant.

The above arrangement shall continue till the disposal of this appeal and will abide by the final orders which will be passed in this appeal. We make it clear that we are passing this order without prejudice to the rights and contentions of the parties. Bank guarantee will be initially for a period of 6 months and shall be kept alive till the final disposal of the appeal.

Application is disposed of.

List the main appeal on 05.04.2017.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

mk/ss