

COURT-I

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

**IA NOs. 101 &100 of 2017 IN
DFR NO. 271 OF 2017**

Dated: 21st February, 2017

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

In the matter of:-

**Reliance Communication Ltd. & Anr. ...Appellant(s)
Vs.
Maharashtra Electricity Regulatory Commission & Anr. ...Respondent(s)**

Counsel for the Appellant(s) : Mr. Hasan Murtaza
Counsel for the Respondent(s) : Mr. Buddy A.Rananadhan
Mr. D.V.Raghu Vamsy for R-1
Ms. Himangini Mehta for R.2

ORDER

I.A. No. 101 of 2017

(Appl. for leave to appeal)

In this application, the applicant/appellant has prayed that it may be granted leave to file the instant appeal.

We are informed that in appeal being Appeal No. 337 of 2016 where the same order is challenged, leave to file appeal has been granted by this Tribunal.

Hence, for the reasons stated in the application, leave to file the instant appeal is granted. Application is disposed of.

IA NO. 100 of 2017

(Appl. for condonation of delay)

There is 36 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

All the Respondents have been served. Mr. Buddy A. Ranganadhan appears on behalf of Respondent No.1 and Ms. Himangini Mehta appears on behalf of Respondent No.2.

We have heard learned counsel for the parties. For the reasons stated in the Application, delay is condoned. Application is disposed of.

DFR No. 271 of 2017

Registry is directed to number the appeal.

With the consent of the parties, the matter is taken up for admission. We have heard learned counsel for the parties. We are informed that Appeal No. 337 of 2016 challenging the same order has been admitted by this court. Therefore, we admit this appeal. Issue notice. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Ms. Himangini Mehta takes notice on behalf of Respondent No.2 and they seek three weeks time to file reply. They may file the same on or before 15.03.2017 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 28.03.2017 after serving copy on the other side.

I.A. NO.102 of 2017

(Appl. for stay)

We have heard learned counsel for the parties. The following order was passed in I.A. No. 730 of 2016 in Appeal No. 337 of 2016 on 23.01.2017:

"Mr. Varun Agarwal, learned counsel appearing for Respondent No.2 makes a statement that without prejudice to the rights and contentions of Respondent No.2, Respondent No.2 shall raise bills.

However, no coercive steps shall be taken till 21.02.2017. We accept this statement".

Maharashtra State Electricity Distribution Company Limited/Respondent No.2 in I.A. No. 730 of 2016 in Appeal No. 337 of 2016 is also Respondent No.2 in this appeal. Learned counsel are agreed that the above statement made by learned counsel for Respondent No.2 in I.A. No. 730 of 2016 in Appeal No. 337 of 2016 on 23.01.2017 will be applicable to this appeal also. We record this statement and the said statement will continue till 30.03.2017

List the matter on **30.03.2017**. Tag to Appeal No. 337 of 2016.

(I.J.Kapoor)
Technical Member

Ts/kt

(Justice Ranjana P. Desai)
Chairperson