

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**APPEAL NO. 219 OF 2016 & IA NO. 470 OF 2016,
APPEAL NO. 220 OF 2016 & IA NO. 473 OF 2016,
APPEAL NO. 207 OF 2016,
APPEAL NO. 208 OF 2016 AND
APPEAL NO. 295 OF 2016 & IA NO. 760 OF 2016**

Dated: 16th January, 2017

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

APPEAL NO. 219 OF 2016 & IA NO. 470 OF 2016

In the matter of:

**M/s Maral Overseas Ltd. Appellant(s)
Vs.
Madhya Pradesh Electricity Regulatory Commission & Anr. Respondent(s)**

APPEAL NO. 220 OF 2016 & IA NO. 473 OF 2016

In the matter of:

**M/s HEG Ltd. Appellant(s)
Vs.
Madhya Pradesh Electricity Regulatory Commission & Anr. Respondent(s)**

Counsel for the Appellant(s) : Mr. Deepak Biswas
Mr. Nishith Mishra
Mr. Sourav Vig
Counsel for the Respondent(s) : Mr. S. Venkatesh
Mr. Pratyush Singh for R.1
Ms. Anushree Bardhan
Ms. Poorva Saigal a/w
Mr. S. R. Sharma (Rep.) for R.2

APPEAL NO. 207 OF 2016

In the matter of:

**M/s Hindalco Industries Ltd. Appellant(s)
Vs.
Madhya Pradesh Electricity Regulatory Commission & Ors. Respondent(s)**

APPEAL NO. 208 OF 2016**In the matter of:**

M/s Century Textiles & Industries Ltd. **Appellant(s)**
Vs.
Madhya Pradesh Electricity Regulatory Commission & Ors. **Respondent(s)**

Counsel for the Appellant(s) : Mr. Syed Shahid Husain Rizvi
 Counsel for the Respondent(s) : Mr. S. Venkatesh
 Mr. Pratyush Singh for R.1
 Ms. Anushree Bardhan
 Ms. Poorva Saigal a/w
 Mr. S. R. Sharma (Rep.) for R.2

APPEAL NO. 295 OF 2016
& IA NO. 760 OF 2016**In the matter of:**

M/s Ultratech Cement Ltd. **Appellant(s)**
Vs.
Madhya Pradesh Electricity Regulatory Commission & Anr. **Respondent(s)**

Counsel for the Appellant(s) : Mr. Saurav Agrawal
 Mr. Astha Gaur
 Counsel for the Respondent(s) : Mr. S. Venkatesh
 Mr. Pratyush Singh for R.1
 Ms. Anushree Bardhan
 Ms. Poorva Saigal a/w
 Mr. S. R. Sharma (Rep.) for R.2

ORDER

On 08.11.2016 while admitting this appeal, we passed an order in I.A. No. 603 of 2016. The operative portion of the said order reads as follows:

“The Appellant shall continue to pay 50% of the POC amount for which the Respondent has raised/ will be raising the bills/invoices in accordance with order dated 31/12/2012 passed by the State Commission in Suo Motu Petition No. 73 of 2012. The Appellant shall give an undertaking that the remaining amount claimed by the Respondent in terms of the above bills/invoices shall be paid along with interest for the overdue period within 60 days from the date of

the decision of the present appeal by this Tribunal, in the event the POC amount is held to be payable in the present proceeding.”

It is pointed out by learned counsel for the Appellant that the Appellant has in fact paid 100% of the parallel operation charges. This is not disputed by learned counsel for Respondent No.2.

In this view of the matter, we clarify that Order dated 08.11.2016 to the extent it directs the Appellant/ M/s Ultratech Cement Limited to pay 50% POC amount stands modified. We make it clear that the said portion does not apply to Appellant.

Ms. Anushree Bardhan, learned counsel for Respondent No.2 made a statement that the delayed payment surcharge has not been cleared by the Appellant. Learned counsel for the Appellant states that the same shall be cleared within two weeks. We accept this statement. Learned counsel for the Appellant submits that a direction be given to Respondent No.2 that in case the Appellant succeeds, Respondent No.2 shall refund the amount with interest. Appropriate orders with regard to the same will be passed at the time of deciding the appeal.

Application is disposed of.

APPEAL NO. 295 OF 2016

Learned counsel for the Appellant seeks two weeks time to file rejoinder. He may file the same on or before 31.01.2017 after serving copy on the other side.

APPEAL NOS. 219, 220, 207, 208 & 295 OF 2016

List these matters on **06.03.2017**.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson