

COURT-I

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

**IA NO. 65 OF 2017 IN
APPEAL NO. 339 OF 2016**

Dated: 25th January, 2017

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

In the matter of:

**Chhattisgarh State Power Distribution Co. Ltd. Appellant(s)
Vs.
Real Power Pvt. Ltd. & Anr. Respondent(s)**

Counsel for the Appellant(s) : Mr. Apoorv Kurup
Mr. A.C. Boxipatro

Counsel for the Respondent(s) : Mr. Raunak Jain for R-1

Mr. C.K. Rai
Mr. Umesh Prasad for R-2

ORDER

**IA NO. 65 OF 2017
*(Appl. for amendment)***

Liberty is granted to the Appellant to amend the original memo of appeal with regard to the point of delay within one week from today. Application is disposed of.

APPEAL NO. 339 OF 2016

With the consent of the parties, the appeal is taken up for admission.

Admit. Learned counsel for the Respondents seek four weeks time to file reply. They may file the same on or before 23.02.2017 after serving copy on the other side. Thereafter, rejoinder, may be filed on or before 10.03.2017 after serving copy on the other side.

I.A. NO. 736 of 2016***(Appl. for stay)***

In this appeal Order dated 18.10.2016 passed by the Chhattisgarh State Electricity Regulatory Commission is challenged. We have admitted the appeal. In this application, the appellant has prayed that the impugned order be stayed. Paragraph 13 of the impugned order reads as follows:

“In view of the above discussions, the petition is allowed and CSPDCL is directed to revise the power purchase bills of petitioner for July 2014 considering the revised schedule submitted by petitioner through letter dated 30.06.2014. The Respondent should revise the bills and pay the full fixed cost within 60 days of issue of this order.”

It appears that the amount which the Appellant is required to pay as per the impugned order would be Rs. 32,01,576/- with accrued interest till date. In the facts and circumstances of the case, in our opinion, following order will meet the ends of justice.

The appellant shall deposit an amount of Rs.32,00,000/- with the State Commission within two weeks from today. On such deposit being made, the State Commission shall invest the said amount in a fixed deposit. The State Commission shall ensure that the fixed deposit will be renewed from time to time till disposal of the present appeal. The amount deposited with accrued interest shall abide by the final order that would be passed in this appeal. We make it clear that the amount of Rs.32,00,000/- as fixed by us for the sake of convenience, however, does not include the claim of interest. Appropriate orders will be passed at the time of final hearing.

List the matter on 17.04.2017. In the meantime, pleadings be completed.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/vt