

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

E.P. NO. 02 OF 2018 IN
APPEAL NO. 137 OF 2013

Dated : 18th March, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

T.T. Limited

...Petitioner(s)

Vs.

Tamil Nadu Generation & Distribution Corporation Ltd. & Anr....Respondent(s)

Counsel for the Petitioner(s) : Ms. Shilpi Jain Sharma
Mr. Mukul Sharma

Counsel for the Respondent(s) : Mr. S.Vallinayagam
Ms. S. Amali for R-1

ORDER

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

The Petitioner has presented the instant Execution Petition seeking the following reliefs:

- a) To execute the order dated 12th July, 2013 in Appeal no. 137 of 2013 in the matter of Tamil Nadu Generation & Distribution Co. Ltd. Vs T T Industries & Anr. R/W order dated 17th April, 2012 in Appeal No. 11 of 2012 in the matter of Tamil Nadu Generation & Distribution Co. Ltd. & Anr. Vs M/s. Indian Wind Power Association & Ors. thereby to recover the amount of Rs.10,31,122/- (Rs. Ten Lakh Thirty One Thousand One

Hundred Twenty Two Only) towards interest along with further interest till its actual realization.

- b) To pass such other and further order or orders as this Appellate Tribunal may deem fit and proper in the facts and circumstances of the case.

Heard the learned counsel appearing for the Petitioner and the learned counsel Mr. S. Vallinayagam appearing for the Respondent No.1 for quite some time.

The learned counsel appearing for the Respondent No.1/the Distribution Licensee Mr. S. Vallinayagam on instructions submitted that in the light of the statement made in the paragraphs 2 and 3 of the Affidavit dated 14.03.2019, the instant Execution Petition filed by the Petitioner may be disposed of placing on record the statement made in paragraphs 2 and 3 of affidavit dated 14.03.2019.

As against this the learned counsel appearing for the Petitioner inter alia contended and submitted that in fact the Petitioner has submitted all the invoices to the Respondent No.1/the Distribution Licensee.

Submissions made by the learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent No.1, as stated supra, are placed on record.

In the light of the statement made in the Affidavit dated 14.03.2019 paragraphs 2 and 3 filed by the Respondent No.1/the Distribution Licensee reads as follows:-

- “2. That in HTSC No. 1384 the entry indicated at 27A for an amount of Rs. 64220/- a page no 6 of the affidavit of petitioner dated 14.02.2019 was not raised by the petitioner against the first respondent. The very same cheque number and amount is indicated at serial number 23 at page 6. Since the principle amount is not invoiced as indicated by the petitioner, there is no interest payable on the same. The petitioner is required to clarify the entry.*
- 3. That the above facts relating to payments made to the petitioner are based on the records maintained at the office of the Superintending Engineer, Udumalpet Electricity Distribution Circle.”*

In the light of the statement made in the Affidavit dated 14.03.2019 paragraphs 2 and 3 filed by the Respondent No.1/the Distribution Licensee, the instant Execution Petition No. 02 of 2018 in Appeal No. 137 of 2013 filed by the Petitioner stand disposed of reserving liberty to the Petitioner to file fresh invoice in respect of Machine No. 1384 Invoice No. 27A. In the event if the Petitioner files a new invoices in respect of

Machine No. 1384 (Invoice no. 27 A dated 18.09.2010) before the Respondent No.1/the Distribution Licensee, the Respondent No.1/the Distribution Licensee is directed to cross verify and pass the appropriate order in accordance with law in compliance with the order of this Tribunal as expeditiously as possible at any rate within four weeks' time from the date such invoices are filed by the Petitioner before the Respondent No.1/ the Distribution Licensee.

With these observations, the instant Execution Petition 02 of 2018 in Appeal No. 137 of 2013 stands disposed of.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N. K. Patil)
Judicial Member