

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 21 of 2016
(Connected with DFR No. 2430 of 2015)

Dated: 04th March, 2016

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

Municipal Corporation of Greater Mumbai ... Appellant(s)
Versus
Maharashtra Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the appellant : Mr. Sidharth Agarwal

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan, Mr. S. Venkatesh
and Mr. Shashank Khurana for R.1
Mr. Amit Kapur, Mr. Kunal Kaul and
Mr. Akshat Jain for Tata Power

ORDER

Mr. Amit Kapur, learned counsel appearing for Tata Power, respondent No.2 in **Appeal No.21 of 2015**, connected with DFR No.2430 of 2015, has while drawing our attention to the judgment dated 02.03.2016 of the Hon'ble Division Bench of Hon'ble Bombay High Court, in original civil jurisdiction, Writ Petition No. 2641 of 2014, captioned as *Municipal Corporation of Greater Mumbai Vs. Maharashtra Electricity Regulatory Commission & Ors.*, filed an Affidavit annexing copy of the judgment of Hon'ble Bombay High Court today i.e. on 04th March, 2016 and submitted that the very Interim Order, which is under challenge, in DFR Nos.2430 of 2015 and 2377 of 2015, has been considered by the Hon'ble High Court and Writ Petition filed by one of the DISCOMs namely, BEST, has on merits been dismissed while making many observations.

Since we have reserved orders in these four matters (viz. **(1)** A.No.296 of 2015 & IA Nos. 477 of 2015 and 478 of 2015, **(2)** IA Nos. 473 and 474 of 2015 in DFR No.2430

of 2015, **(3)** IA No. 475 of 2015 in DFR No. 2377 of 2015 and **(4)** A.No.21 of 2016) on 02nd March, 2016, hearing parties at length on the term '*aggrieved person*' as well as merits on the interim order, and as the same interim order/Impugned Order has been considered by the Hon'ble Bombay High Court, we deem it necessary to **re-fix these matters for hearing** in the light of observations made by the Hon'ble Bombay High Court .

Mr. Sidharth Agarwal, learned counsel appearing for the applicant/appellants, M/s Municipal Corporation of Greater Mumbai Vs. Maharashtra Electricity Regulatory Commission & Ors, BEST, a distribution licensee in DFR No. 2430 of 2015, requests a week's time for hearing.

Though the order is reserved but the propriety and interest of justice demands that fresh hearing should be given to both the parties, in the light of the judgment of Hon'ble Bombay High Court for which we fix these matters for hearing on **11th March, 2016.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

sh/kt