

Court-II
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal Nos. 256 of 2014, 22 of 2015, 08 of 2015, 09 of 2015 & 15 of 2015

Dated : 3rd March, 2016

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

In the matter of:

Appeal No. 256 of 2014

M/s. Patikari Power Pvt. Ltd. Appellant(s)
Versus
Himachal Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant (s) : Mr. Tarun Johri

Counsel for the Respondent (s) : Mr. Pradeep Misra for R-1
Ms. Swapna Seshadri and
Mr. Sandeep for R-2
Mr. D.K. Thakur for HPPCB

Appeal No. 22 of 2015

M/s Dharamshala Hydro Power Ltd. Appellant(s)
Versus
Himachal Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant (s) : Ms. Nimish Gupta

Counsel for the Respondent (s) : Mr. Pradeep Misra for R-1
Ms. Swapna Seshadri and
Mr. Sandeep for R-2
Mr. D.K. Thakur for HPPCB

Appeal No. 8 of 2015

M/s. Ascent Hydro Projects Ltd. Appellant(s)
Versus
Himachal Pradesh State Electricity Board Ltd. & Ors. Respondent(s)

Appeal No. 9 of 2015

M/s.Ginni Global Pvt. Ltd. Appellant(s)
Versus
Himachal Pradesh State Electricity Board Ltd. & Ors. Respondent(s)

Appeal No. 15 of 2015

M/s. M/s Harison Hydrel Construction Co. Pvt. Ltd.

.... Appellant(s)

Versus

Himachal Pradesh State Electricity Board Ltd. & Ors.

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Raj Kumar Mehta
Ms. Himanshi Andlay
Mr. Abhishek Upadhyay

Counsel for the Respondent (s) : Mr. Pradeep Misra for R-4
Ms. Swapna Seshadri and
Mr. Sandeep for R-2
Mr. D.K. Thakur for HPPCB

ORDER

We have heard the arguments of the rival parties in Appeal Nos. 256 of 2014 and 22 of 2015 including the Himachal Pradesh Electricity Board and Himachal Pradesh Pollution Control Board and gone through the affidavit filed by them. The Appellants submit that the Pollution Control Board should be directed to give clear affidavit to the effect that the notification issued by the State Pollution Control Board in the year 2005 is not applicable to the category of the Appellants who entered into Power Purchase Agreement (PPA) prior to 2005 but commissioned the project after 2005.

Mr. R.K. Mehta, learned counsel appearing for the Appellants in appeals, being Appeal Nos. 8 of 2015, 9 of 2015 and 15 of 2015, submits that he rely upon the affidavit filed by the Pollution Control Board, dated 16.10.2015. The learned counsel appearing for the Pollution Control Board requires four weeks time to consult the Pollution Control Board and then file the required affidavit. The Pollution Control Board is directed to file the said affidavit, if so advised, within four weeks from today.

Post these appeals for remaining arguments in the matter on **4th May, 2016.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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