

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

Appeal No. 300 of 2015

Dated : **31st March, 2016**

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

In the matter of:-

Hindustan Electricity Generation Co. Pvt.Ltd. **Appellant(s)**
Versus
Central Electricity Regulatory Commission & Ors. ... **Respondent(s)**

Counsel for the Appellant(s): Mr. Navroz H.Seervai, Sr. Adv.
Mr. Parthiv J.Mehta

Counsel for the Respondent(s): Mr. Dhananjay Baijal
Mr. Nikhil Nayyar for R-1
Ms. Jahmani Upadhyay for R-3 (OBC)

ORDER

As per affidavit of service, all the respondents are duly served. We have perused our earlier order, dated 20.1.2016, in which we have observed that hearing at the admission stage is necessary because of the Order of the Hon'ble High Court, dated 7.8.2015, to clarify the position in Writ Petition, being WP(C) No. 3080/2015 and, further, Miscellaneous Application, being C.M. Appl No. 5511/15. We have perused the order of the Hon'ble, where the Hon'ble High Court, at the request of the Central Commission, granted two weeks time to the Commission to pass final order in the matter. Now, we have been told that the Central Commission has passed the relevant order in the light of the Hon'ble High Court's Order, dated 7.8.2015. Thus, the Hon'ble High Court Order is not in any way concerned with the instant appeal.

After hearing the parties, we admit this appeal and since the respondents have already been served, they are required to file Counter Affidavit/reply within 4 weeks to the appeal memo and the Appellant is directed to file rejoinder submissions, if any, within two weeks thereafter.

So far as the contesting Respondent No.2/PGCIL is concerned, no ex-parte order is passed today in the aforesaid circumstances and, particularly, order passed on the earlier date. The Respondent No.2/PGCIL is also free to file counter affidavit/reply within the time granted.

Post this matter for hearing on **24th May, 2016.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

vt/kt