

COURT-II

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

EP No. 2 of 2015

& IA Nos. 466/2015, 482/2015, 483/2015 and 78/2016 and 79/2016

In A.Nos.76 of 2013 and 82 of 2013

Dated: 18th March, 2016

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

In the matter of:-

Eastern India Powertech Ltd.

... Appellant/Petitioner(s)

Versus

Assam Power Distribution Co. Ltd. & Ors.

... Respondent(s)

Counsel for the Appellant(s) : Mr. Sunil Ambwani, Sr. Adv. along with Mr. Shesh K. Shrivastav, Ms. Trishala Kulkarni and Mr. Kartik Bhatnagar

Counsel for the Respondent(s) : Mr. Avijit Roy, Mr. Barnali Das, Ms. Deepika Ghatawar, Adv. And Mr. P. Bujar Baruah, MD of APDCL Mr. Ravi Kant Pal, Mr. Pragyan Sharma for R.4 Ms. Perna Priyadarshini and Mr. Kankalita Adv. For Intervenor

ORDER

Mr. P. Bujar Baruah, Managing Director of the Assam Power Distribution Co. Ltd. (judgment debtor) is present before us in compliance of our earlier order. We, vide our order dated 05.02.2016, while disposing of IA No. 18 of 2016 in this Execution Petition, filed by the decree holder/Execution Petitioner, by passing a 5 page order directed personal appearance of the Managing Director/Chairman of the Assam Power Distribution Co. Ltd. and to show cause as to why he should not be committed to civil prison for non-payment of Rs.9 Crores, a small part of decretal amount, and further to file Affidavit stating assets of judgment debtor within two weeks. The position, as

it exists today, is amount of Rs.9 Crores has been paid by the judgment debtor to decree holder. The learned counsel for both the parties admit the said payment of Rs.9 Crores.

The judgment debtor as well as decree holder are directed to sit together to ascertain the decretal amount and apprise us about the development or progress thereof. The Managing Director of the distribution licensee may constitute a committee if he thinks fit for the said purpose of some positive solution of this problem.

Post this matter for further hearing on the actual decretal amount on **26th April, 2016.**

Further, we clarify that no adjournment to either party, particularly to the judgment debtor, shall be granted on any grounds whatsoever.

We make it clear that if the judgment debtor does not cooperate for ascertainment of decretal amount then we will have to proceed as per averment made in the Execution Petition because it is an Execution Petition which should be disposed of without any further delay.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

sh/kt