

COURT - I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL NO. 276 OF 2016 &
IA NO. 568 OF 2016**

Dated: 15th March, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of :

NSL Sugars Ltd. & Anr. ...Appellant(s)

Vs.

Karnataka Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. M. G. Ramachandran
Ms. Ranjitha Ramachandran

Counsel for the Respondent(s) : Ms. Pratiksha Mishra for R.2,3,5 & 6

ORDER

On 10.11.2016 while issuing notice in this matter, we have passed the following order:

“We are informed by Mr. M.G. Ramachandran, learned counsel appearing for the Appellant that the State Commission vide its Order, dated 07.10.2016, has stayed the impugned order in Review Petition being R.P. No. 8 of 2016 filed by Hare Krishna Metalics Private Limited. Learned counsel states that in view of this development recovery ordered by the State Commission be stayed.

Having perused the Order, dated 07.10.2016, passed by the State Commission in R.P. No. 8 of 2016, without expressing any opinion on the merits of the case and without prejudice to the rights and contentions of the respondents, we stay the impugned order till 24.11.2016.”

However, despite the above said stay order, it appears that Respondent No.5 had issued a demand notice and Respondent No.6 had deducted the amount from the monthly bills. On 24.01.2017, learned counsel for Respondent No.5 has taken time to verify these facts and to obtain instructions from the client. Today, learned counsel for the Appellant states that in fact the amounts have been deducted from the monthly bills despite the stay order passed by this Tribunal. This fact is evident from reconciliation statements which are signed by both the parties. In view of the reconciliation statements dated 07.03.2017 and 13.03.2017, which are taken on record, we direct Respondent Nos. 5 & 6 to pay the deducted amount as per the reconciliation statements within three weeks from today. Needless to say that this is an interim order passed in the peculiar facts of the case. We have not considered the merits of the case, which will be examined when the appeal is finally heard.

List the matter on 04.05.2017. In the meantime, pleadings be completed.

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/sh