

COURT - I

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

APPEAL NO. 32 OF 2015 & IA NO. 119 OF 2017

AND

APPEAL NO. 47 OF 2015 & IA NO. 128 OF 2017

Dated: 02nd March, 2017

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

In the matter of :

A.No. 32 of 2015 & IA No. 119 of 2017

Talwandi Sabo Power Ltd. ...Appellant(s)

Vs.

Punjab State Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. Sujit Ghosh
Mr. Shashank Shekhar in A.No.32/15

Counsel for the Respondent(s) : Mr. Matrugupta Mishra for
Ms. Shikha Ohri for R.1

Mr. M.G. Ramachandran
Ms. Poorva Saigal
Mr. Shubham Arya for R.2

A.No. 47 of 2015 & IA No. 128 of 2017

Nabha Power Ltd. & Anr. ...Appellant(s)

Vs.

Punjab State Power Corporation Ltd. & Anr. ...Respondent(s)

Counsel for the Appellant(s) : Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. S. Ganesh, Sr. Adv.
Mr. Aniket Prasoon
Mr. Abhishek Kumar

Counsel for the Respondent(s) : Mr. Matrugupta Mishra for
Ms. Shikha Ohri for R.1

Mr. M.G. Ramachandran
Ms. Poorva Saigal
Mr. Shubham Arya for R.2

ORDER

On 01.04.2015 in I.A. No. 35 of 2015 praying *inter alia* for stay of the order impugned in Appeal No. 32 of 2015, this Tribunal had passed the following order:

“We have heard learned counsel for the parties. Prayer made in the interim application cannot be granted at this stage. The I.A. is dismissed.”

The above order was challenged in the Supreme Court. The Supreme Court had stayed the impugned order in Appeal No. 32 of 2015. However, on 06.02.2017 the Supreme Court vacated the stay order. In fact, that is why these applications being I.A. Nos. 119 & 128 of 2017 were moved before us on 13.02.2017. As directed, these applications were listed before us on 23.02.2017. On 23.02.2017 we directed that the main appeals be listed for final hearing on 02.03.2017.

We heard the appeals for some time today. We were informed in the morning session that 2nd respondent has adjusted the amount to an extent of 215 Crores from the monthly running bills of the appellant/Talwandi Sabo Power Limited. We were under the impression that inasmuch as we are hearing these appeals finally, the 2nd respondent would stay its hands during the pendency of these appeals. But since 2nd respondent has taken precipitative steps, it would be necessary for us to hear the interim applications. We therefore list the interim applications for final hearing tomorrow i.e. on **03.03.2017 at 11.00 a.m.**

We are aware that the Supreme Court has vacated the stay on 06.02.2017. However, since we are hearing the interim applications for

stay in both these appeals tomorrow, we feel that till tomorrow 2nd respondent should not take any precipitative steps to deduct any amount from the running bills of the appellants. Order accordingly.

We record the statement of Mr. C.S. Vaidyanathan, learned senior counsel for the appellant appearing in Appeal No. 47 of 2015 that so far as Nabha Power Limited is concerned, no deductions have been made from the running bills till now.

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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