

COURT-I
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA No. 1062 of 2019 IN
APPEAL No. 196 of 2019 &
IA No. 1061 of 2019

Dated : 24th May, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

Power Grid Corporation of India Limited **Appellant**

Vs.

Central Electricity Regulatory Commission & Anr. **Respondent**

Counsel for the Appellant : Ms. Suparna Srivastava

Counsel for the Respondent(s) : Mr. Basava Prabhu S. Patil, Sr. Adv.
Ms. Rachita Herimath
Mr. Geet Ahuja
Mr. Shreshth Sharma
Ms. Molshree Bhatnagar for R-2

ORDER

IA No. 1062 of 2019
(Application for urgent listing)

We have heard learned counsel for the applicant/appellant. For the reasons stated in the application, the IA is allowed.

Application is disposed of.

APPEAL No. 196 of 2019 & IA No. 1061 of 2019

Between the Appellant and the Respondents, one more Appeal (No. 73 of 2018) is filed by Respondent No. 2 - generating company against the present Appellant challenging the order dated 15.12.2017 to the extent aggrieved by the direction of the Central Electricity Regulatory Commission to pay certain amounts by Respondent No. 2 to the Appellant (IEDC and IDC plus transmission charges). As contended by Respondent No. 2, it is seen that some direction was also given in the same order dated

15.12.2017 against the Appellant to pay certain amounts (reverse transmission charges). The claim seems to be Rs.25 crores and Rs. 30 crores respectively.

The present Appeal came to be filed when CERC directed the Appellant to return the bank guarantee and also pay the above-mentioned amounts to Respondent No. 2 in compliance with the direction dated 15.12.2017.

Since the claims against each other still exist which has to be decided by us in this Appeal, at this stage, in the interest of justice, we direct the Appellant to return the bank guarantee forthwith to Respondent No. 2.

So far as the claims against each other, all issues are kept open.

It is made clear that during the pendency of the Appeal, Respondents shall not precipitate the matter in respect of direction to pay the reverse transmission charges and additional claim of bank charges for delay in returning the bank guarantee.

Meanwhile Respondents shall file reply/objections, if any, in the main Appeal on or before 21.06.2019 with advance copy to the other side. Thereafter, rejoinder, if any, may be filed on or before 05.07.2019 with advance copy to the other side.

List the matter on **06.08.2019**.

(Ravindra Kumar Verma)
Technical Member

tpd/mkj

(Justice Manjula Chellur)
Judicial Member