

Court-II
In the Appellate Tribunal for Electricity, New Delhi
(Appellate Jurisdiction)

Appeal No. 321 of 2013

Dated : 18th May, 2016

Present: HON'BLE MR. JUSTICE SURENDRA KUMAR, JUDICIAL MEMBER
HON'BLE MR. T MUNIKRISHNAIAH, TECHNICAL MEMBER

In the Matter of:

Transmission Corporation of Andhra Pradesh & Ors. ... Appellant(s)
Versus
Andhra Pradesh Electricity Regulatory Commission & Anr. ..Respondent(s)

Counsel for the Appellant(s) : Mr. Anand K. Ganesan, Ms Neha
Garg and Mr. Sandeep Rajpurohit

Counsel for the Respondent(s) : Mr. K. V. Mohan and
Mr. K.V. Balakrishnan for APERC
Mr. Matrugupta Mishra for R.2

ORDER

We have gone through our previous order dated 10th May, 2016. The only issue in this appeal was whether the amount of Rs.106.60 Crores, which is treated as bridge loan from SBI, can be treated as portion of equity? Both the parties have already been heard on the said issue.

Since some order of Hon'ble Delhi High Court was brought to our notice, wherein some Interim order was passed by Hon'ble Delhi High Court to restrict share equity, hence, we thought it proper to make query to respondent No.2/generating company, about the current status of the pending matter before the Hon'ble Delhi High Court in which the aforesaid Interim order was passed for this purpose.

Respondent No.2, a generating company, was directed to file an Affidavit within a week. The Respondent, generating company, seeks one week's time to file the said Affidavit.

We are very much aware of the fact that the instant appeal is three years old, being of the year 2013, which is at its last leg of its judgment. We give five days time to respondent, generating company, to file the said Affidavit, if any, and no further time shall be given for this purpose because the parties have already been heard on the said issue. If no Affidavit is filed and the current status of proceedings of the Hon'ble Delhi High Court is not made clear by the generating company, then we are meant to decide this appeal on the basis of material available on record.

Post this appeal for remaining arguments, if any, on **25th May, 2016**.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

sh/kt