

**COURT-II**

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

**E.P. No. 02 of 2015 in Appeal Nos. 76 & 82 of 2013**

**Dated: 18<sup>th</sup> November, 2015**

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

**In the matter of:**

**Eastern India Powertech Ltd. .... Execution Petitioner(s)**

**Versus**

**Assam Power Distribution Co.  
Ltd. & Ors.**

**.... Respondent(s)**

Counsel for the Execution Petitioner(s) : Mr. Krishnan Venugopal,  
Sr. Adv.  
Mr. Manu Seshadri,  
Mr. Abhishek Roy &  
Mr. Kartik Bhatnagar.

Counsel for the Respondent (s) : Mr. Avijit Roy &  
Ms. Kankana for R-1 & R-2  
Mr. Pragyan Sharma  
Mr. Ravi Kant Pal &  
Mr. A.K. Thakur for R-4

**ORDER**

Learned counsel for the respondent nos. 1 and 2/discos are granted one week's time to file details as directed by this Appellate Tribunal in the previous order.

The learned counsel for the Execution Petitioner is also directed to inform in writing whether the Execution Petitioner has filed any petition for determination of tariff since 2009-10 onwards before the State Commission so as to enable the State Commission to determine tariff after undergoing the procedure laid down in Electricity Act, 2003 for which two weeks' time is allowed.

A letter from Commissioner and Secretary to the Government of Assam (Power), Power (Electrical) Department dated 12<sup>th</sup> June, 2015 addressed to the Managing Director, APDCL has been filed today by the

learned counsel for the respondent nos. 1 & 2/Discoms. We deem it proper to direct the respondent nos. 1 & 2 to deposit an amount of Rs. 9 crore within 10 days from today failing which we shall be constrained to proceed further as per the provisions of Order XXI CPC. We are to treat every entity at par whether it is a Government or non-Government body. This amount shall be subject to the adjustments subsequently.

Post this matter for further hearing on **21<sup>st</sup> December, 2015.**

**(T. Munikrishnaiah)**  
**Technical Member**  
*rkt/vt*

**(Justice Surendra Kumar)**  
**Judicial Member**