

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

EP NO. 1 OF 2015 IN
APPEAL NO. 256 OF 2012 &
IA NO. 362 OF 2015

Dated: 27th November, 2015

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

In the matter of:-

M/s. Nava Bharat Ventures Ltd.

.... Appellant (s)

Versus

GRIDCO Ltd.

.... Respondent (s)

Counsel for the Appellant(s) : Mr. Ashok K. Parija, Sr. Adv.
Mr. R.M. Patnaik
Mr. P.P. Mohanty

Counsel for the Respondent(s) : Mr. R.K. Mehta
Mr. Abishek Upadhyay
Ms. Himanshi Andley

ORDER

Affidavit of Shri Tapas Pattanaik, Deputy General Manager of GRIDCO Limited is taken on record. Paragraphs 8 and 9 of the said affidavit are material, which read as under:

"8. That in obedience to the Order dated 28.08.2015 of Hon'ble Tribunal, the respondent made payment of Rs. 5,26,18,541/- to the petitioner on 22.09.2015.

9. That the processing of bills of M/s NBVL from March, 2009 to March 2014 along with the DPS amount in terms of various orders of OERC from

time to time has been completed by GRIDCO. As per the Reconciliation Statement prepared by GRIDCO, the principal outstanding amount (after adjustment of Rs. 5,26,18,541/- paid on 22.09.2015) comes to Rs. 3,44,63,692/- and the DPS amount upto 30.10.2015 comes to Rs. 2,72,62,970/- by letter dated 18.11.2015, GRIDCO had requested the petitioner to furnish a Bank Guarantee of Rs.2,72,62,970/- for release of the outstanding dues. The Bank Guarantee has not been furnished by the petitioner till date.”

These paragraphs indicate that the first respondent has paid an amount of Rs. 5,26,18,541/- to the petitioner on 22.09.2015. As per the first respondent the principal outstanding amount (after adjustment of Rs.5,26,18,541/- paid on 22.09.2015) comes to Rs. 3,44,63,692/- and the DPS amount upto 30.10.2015 comes to Rs. 2,72,62,970/-.

Learned counsel for the petitioner states that the petitioner needs to reconcile these amounts after having discussion with the counsel/officers of the first respondent. Let the parties or the counsel meet and try to reconcile the amount.

List the matter on 22.12.2015.

**(I.J. Kapoor)
Technical Member**

**(Justice Ranjana P. Desai)
Chairperson**

ts/mk