

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**APPEAL NO. 295 OF 2016 &
IA NO. 603 OF 2016**

Dated: 8th November, 2016

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

In the matter of:

**M/s Ultratech Cement Ltd. Appellant(s)
Vs.
Madhya Pradesh Electricity Regulatory Commission & Anr. Respondent(s)**

Counsel for the Appellant(s) : Ms. Astha Gaur

Counsel for the Respondent(s) : Mr. M.G. Ramachandran
Ms. Poorva Saigal
Ms. Anushree Bardhan
Mr. Shubham Arya for R-2

ORDER

Admit. Issue notice. Mr. M.G. Ramachandran takes notice on behalf of Respondent No.2 . Notice be issued to the other Respondents returnable on 24.11.2016. Dasti, in addition, is permitted.

List the matter on **24.11.2016**. This Appeal is directed to be tagged to Appeal No. 208 of 2016.

**(IA No. 603 of 2016)
(Application for stay)**

The order dated 31.12.2012 which is challenged in this Appeal is also challenged in the other connected Appeal No. 208 of 2016. On 31.08.2016

after hearing the parties an interim order was passed in I.A. No. 449 of 2016 in Appeal No. 208 of 2016. The operative portion of the said order reads as follows:

“The Appellant shall continue to pay 50% of the POC amount for which the Respondent has raised/will be raising the bills/invoices in accordance with Order dated 31/12/2012 passed by the State Commission in Suo Motu Petition No.73 of 2012. The Appellant shall give an undertaking that the remaining amount claimed by the Respondent in terms of the above bills/invoices shall be paid along with interest for the overdue period within 60 days from the date of the decision of the present appeal by this Tribunal, in the event the POC amount is held to be payable in the present proceeding.”

Since the same order is challenged in the instant appeal and Appeal No. 208 of 2016 and similar issues are involved, the interim order passed in I.A. No. 449 of 2016 in Appeal No. 208 of 2016 shall be in place in this appeal also during pendency of the appeal.

Application is disposed of.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/vt