

**COURT-I**

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

**IA NO. 445 OF 2016 IN  
APPEAL NO. 206 OF 2016 &  
IA NO. 503 OF 2016**

**Dated: 16<sup>th</sup> 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 Noida Power Company Ltd.**

**.... Appellant(s)**

**Vs.**

**Uttar Pradesh Electricity Regulatory Commission & Ors.**

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

Counsel for the Appellant(s) : Mr. M.G. Ramachandran  
Mr. Vishal Gupta  
Mr. Kumar Mihir

Counsel for the Respondent(s) : Mr. C.K. Rai  
Mr. Umesh Prasad for R-1

Mr. Sunil Kumar Rai  
Mr. A. Mansoor for R-2

Mr. Rahul Srivastava for R-3

Mr. Neeraj Kumar Jain, Sr. Adv.  
Mr. Vivek Narayan Sharma  
Mr. Siddharth Mahajan for R-5

**ORDER**

**I.A. Nos. 445 and 503 of 2016**

In I.A. No. 445 of 2016 the Appellant has prayed for interim relief. On 17.08.016 while admitting the appeal we passed an interim order. The operative part of the said order reads as under:

***“Without prejudice to the rights and contentions of all the respondents, we direct that till 30.08.2016 status quo should be maintained. We also record the statement made by Mr. Amit Kapur on the basis of the instructions received by Mr. Praveen Kumar, Executive Engineer of Respondent No.2 that 33 KV bay for KOT feeder (PVVNL) has been charged on 16.08.2016 around 6.00 p.m. from 220 KV sub-station R.C. Green.”***

Thereafter, I.A. No. 503 of 2016 was filed by the Appellant alleging contempt of the above order by Respondent Nos. 2 & 5. On 09.09.2016 we directed Respondent Nos. 2 & 5 to file their response to the I.A. No. 503 of 2016. As directed by us, Mr. Chandra Mohan, Director (Operation) of Respondent No.2 and Mr. Ashok Kumar Chaurasia, Executive Engineer of Respondent No.5 have filed the affidavits tendering unconditional and unqualified apology. We find that the apology to be *bonafide* and genuine and hence we accept the same. In Paragraph Nos.2 & 3 of the affidavit action taken by Respondent No.5 after the order was passed by us on 17.08.2016 has been set out. The said paragraphs read as under:

***“ ACTIONS TAKEN BY RESPONDENT NO.5 AFTER ORDER DATED 17.08.2016 BUT BEFORE ORDER DATED 24.10.2016 PASSED BY THIS TRIBUNAL:-***

- 1) Dismantling of 3 poles from the area of Indian Railways, 1 double pole and 2 single poles. The said poles being in the proposed dedicated Freight Corridor of the Indian Railways were dismantled and double pole was erected towards South West, forming a tri-pole, on the existing spot, to stabilise the whole line from falling down.***

- II) At Village Chithera conductors were tied to the already existing insulators. Lose sag conductors resting on V-Cross arm bar were tied to insulators so that no induced current could pass through the steel poles and cause damage to living beings.**
- III) At Village Junapath Respondent No.5 hung the wires lying on the ground on the pole overhead, without connecting the said wires to the main line, Cable joints were made by Respondent No.5 to protect the cables from getting destroyed from damage due to weather, also as a precautionary measure from theft of the materials and also as a measure to not cause hindrance in traffic; the ends of the wires were closed and hanged on the poles.**

### **3. CORDONING OFF OF 33 KV KOT LINE**

**That after the last hearing dated 24.10.2016 the Executive Engineers of Respondent No.2 and Respondent No.5 in a meeting dated 24.10.2016 decided to Cordon off 33 KV Kot Line by switching off the 33 KV Circuit Breaker installed at 220 KV Substation, RC Green, Greater Noida. The said breaker was switched off at 18.05 hours on 24.10.2016, thereby, ensuring no electricity wheeling through 33 KV Kot line, till this Hon'ble Tribunal orders the Respondents to carry forward with the work of the said 33 KV line. Therefore, 33 KV Kot line has been isolated from wheeling of any power and no work whatsoever shall be carried out for further constructing the line, without seeking prior permission of this Hon'ble Tribunal."**

On behalf of Respondent No.2 similar affidavit is filed.

We have heard learned counsel appearing for Respondent No.2 and Respondent No.5. They have also reiterated the contents of the affidavits filed on behalf of Respondent Nos. 2 and 5. In view of the affidavits filed by Respondent Nos.2 and 5, we discharge the contempt notice issued against Respondent Nos. 2 and 5.

Applications are disposed of.

**APPEAL NO. 206 OF 2016**

List the matter on **12.12.2016**. In the meantime, pleadings be completed. Interim order dated 17.08.2016 to continue during the pendency of this appeal.

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

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

ts/vt