

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA No. 595 OF 2016 IN
DFR No. 3326 of 2016**

Dated: 28th November, 2016

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

In the matter of:-

Vijaynagar Sugar Private LimitedAppellant(s)

Vs.

Karnataka Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant (s) : Mr. M.G.Ramachandran
Ms. Ranjitha Ramachandran
Ms. Poorva Saigal
Ms. Anushree Bardhan

Counsel for the Respondent (s) : -

ORDER

**IA No. 595 of 2016
(Application for leave to file the appeal)**

In this application, the Applicant/Appellant has prayed that leave to appeal may be granted.

The Respondents have been served. However, nobody is representing the Respondents.

We have heard learned counsel for the Appellant. For the reasons stated in the application, leave to appeal is granted. Application is disposed of.

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Registry is directed to number the Appeal.

Since the companion appeal being Appeal No. 276 of 2016, where the same order is challenged, has been admitted on 24.11.2016, we admit this appeal. Issue notice to the Respondents returnable on 24.01.2017. Dasti, in addition, is permitted.

It is pointed out by learned counsel for the Appellant that while issuing notice on Appeal No. 276 of 2016 on 10.11.2016, this Court has stayed the impugned order. The relevant portion of the said order reads as under:

***“We are informed by Mr. M.G. Ramachandran, learned counsel appearing for the Appellant that the State Commission vide its Order, dated 07.10.2016, has stayed the impugned order in Review Petition being R.P. No. 8 of 2016 filed by Hare Krishna Metallics Private Limited. Learned counsel states that in view of this development recovery ordered by the State Commission be stayed.*”**

Having perused the Order, dated 07.10.2016, passed by the State Commission in R.P. No. 8 of 2016, without expressing any opinion on the merits of the case and without prejudice to the rights and contentions of the respondents, we stay the impugned order till 24.11.2016.”

In view of the above, without expressing any opinion on the merits of the case and without prejudice to the rights and contentions of the Respondents, we stay the impugned order till 24.01.2017.”

List the matter on **24.01.2017**. In the meantime, learned counsel for the Respondents may file reply on or before 27.12.2016 after serving copy

on the other side. Thereafter, rejoinder, may be filed on or before 11.01.2017 after serving copy on the other side.

(I.J. Kapoor)
Technical Member
ts/kt

(Justice Ranjana P. Desai)
Chairperson