

COURT-II

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

**Appeal No. 242 of 2014 &
IA No. 399 of 2014**

Dated: 7th October, 2015

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

In the matter of:

**Uttar Gujarat Vij. Co. Ltd. Appellant(s)
Versus
Gujarat Electricity Regulatory Commission & Ors.
.... Respondent(s)**

Counsel for the Appellant (s) : Mr. M.G. Ramachandran
Mr. Anand K. Ganesan
Mr. Ishan Mukherjee

Counsel for the Respondent (s) : Mr. Buddy A. Ranganadhan
Mr. D.V. Raghu Vamsy for R-2
Mr. Matrugupta Mishra
Mr. Mritunjay with
Mr. S.R. Pandey, Legal Advisor
for GERC

ORDER

We have heard Mr. Buddy A. Ranganadhan, learned counsel appearing for the respondent no.2/ a 2 MW Solar Power Generator. He has finished his arguments.

Mr. Matrugupta Mishra, learned counsel for the State Commission has been heard at length. The main question for consideration at this stage is that there is argument that an undertaking was executed and signed by some undue influence, pressure or coercion of the distribution company and the generating company was forced to sign the said undertaking. Can the State Commission surpass or ignore that

undertaking just on the ground that there was a policy of the Government of Gujarat regarding laying of transmission line/evacuation facility from the generating point to the sub-station of the distribution licensee? We hope the learned counsel shall answer this query in detail for which we give separate time to the State Commission to justify the said finding after going through the law.

Post this Appeal for further hearing on **14th October, 2015.**

(T. Munikrishnaiah)
Technical Member
rkt/vg

(Justice Surendra Kumar)
Judicial Member