## pCOURT-II

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

## E.P. No. 02 of 2015 in Appeal Nos. 76 & 82 of 2013

Dated: 15th October, 2015

Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member

Hon'ble Mr. T. Munikrishnaiah, Technical Member

In the matter of:

Eastern India Powertech Ltd. .... Execution Petitioner(s)

**Versus** 

**Assam Power Distribution Co.** 

Ltd. & Ors. .... Respondent(s)

Counsel for the Execution Petitioner(s): Mr. Subramanium Prasad,

Mr. Kartik Bhatnagar, Mr. Manu Seshadri,

Ms. Tahira Karanjawala & Ms. Trishala Kulkarni

Counsel for the Respondent (s) : Mr. Avijit Roy &

Ms. Barnali Das

Mr. Hemant Mehtab Sharma for

**APDCL** 

Mr. Pragyan Sharma Mr. Pulkit Prakash & Mr. Ravi Kant Pal for R-4

## ORDER

The details filed by the respondent nos. 1 and 2 i.e. discoms in the shape of affidavit have been disputed by the learned counsel appearing for the Decree Holder/Execution Petitioner submitting that the figures adopted by the State Commission in the impugned order and the figures as ordered by the Appellate Tribunal in Appeal should be taken as true and correct figures and only then the amount could be ascertained by the discoms/Judgment Debtor. The discoms are directed to adopt the figures as determined by the State Commission in the impugned order and

Appeal and then calculate the amount and submit the same in the shape of affidavit within four weeks from today. It is further made clear that if any attempt is made by the discoms to flout the figures adopted by the State Commission and the Appellate Tribunal, then this Appellate Tribunal may take coercive measures as provided under Order XXI of the Code of Civil Procedure, 1908.

The Execution Petitioner is directed to give on affidavit the real figures for the year 2008-09 as fixed by the State Commission and modified by this Appellate Tribunal in the Appeal. There is huge difference in the figures as being argued by the rival parties which is not proper for the said execution. It appears to be necessary to direct the Execution Petitioner/Decree Holder to file rejoinder to the reply/ additional affidavit. Accordingly, the Execution Petitioner/Decree Holder is directed to file rejoinder within two weeks from today. It is also made clear that filing of rejoinder will not be an impediment in the way of furnishing of the details.

Post this Execution Petition for hearing on 18th November, 2015.

(T. Munikrishnaiah) Technical Member rkt/vg (Justice Surendra Kumar)
Judicial Member