

COURT-I

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

APPEAL NO. 276 OF 2016 & IA No. 568 of 2016

Dated: 31st October, 2017

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

In the matter of :

**NSL Sugars Ltd. & Anr.
Vs.**

....Appellant(s)

Karnataka Electricity Regulatory Commission & Ors.

....Respondent(s)

Counsel for the Appellant(s) : Mr. M. G. Ramachandran
Ms. Ranjitha Ramachandran
Ms. Anushree Bardan
Mr. Shubham Arya

Counsel for the Respondent(s) : Ms. Pratiksha Mishra for
R-2, 3, 5 & 6

ORDER

An affidavit has been filed by Mr. Someswara Prasad, Additional General Manager-Power Trading of the Appellant stating that the Karnataka High Court vide Order dated 18.09.2017 has set aside the impugned order dated 18.08.2016 passed by the Karnataka Electricity Regulatory Commission (the State Commission) and remanded the matter to the State Commission for consideration.

It would be advantageous to quote the relevant paragraphs of the Karnataka High Court's Order, dated 18.09.2017, which read as under:

“32. The impugned order dated 18.08.2016 passed by the Respondent KERC, therefore, cannot be sustained and the same deserves to be quashed. The writ petitions, therefore, deserve to be allowed and the same are accordingly allowed and the impugned order Annexure D dated 18.08.2016 passed by the Respondent KERC and consequential Recovery Notices/Orders issued by ESCOMS to the power generating companies are quashed and set aside and the matter is remanded back to the Respondent KERC to undertake fresh proceedings under Section 11 (2) of the Act in accordance with law and the observations made by this court above.

33. The Respondent KERC is directed to serve individual Notices to all the power generating companies affected by the order under Section 11 (1) of the Act dated 16.09.2015 and also the respective Distribution Companies and then after hearing all the concerned parties may pass fresh orders under Section 11 (2) of the Act, either individually for each power generating company separately or by a common order dealing with the respective cases of power generating companies, as the case may be and such orders may be passed expeditiously, preferably within a period of one year from today.”

In view of this admitted position, the present appeal is disposed of in terms of the Order dated 18.09.2017 passed by the Karnataka High Court. The State Commission is directed to dispose of the matter in accordance with the directions of the Karnataka High Court. All the pending IAs shall stand disposed of.

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

(Justice Ranjana P. Desai)
Chairperson