

COURT-I

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

**APPEAL NO. 340 OF 2016 &
IA NO. 743 OF 2016**

Dated: 26th September, 2017

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

In the matter of:

**Azure Sunrise Pvt. Ltd. Appellant(s)
Vs.
Chamundeshwari Electricity Supply Corporation Ltd. & Respondent(s)
Anr.**

Counsel for the Appellant(s) : Mr. C.S.Vaidyanathan, Sr. Adv.
Ms. Anuradha Mukherjee
Ms. Shikha Tandon

Counsel for the Respondent(s) : Mr. Sandeep Grover
Mr. Pankhuri Bharadwaj for R-1

ORDER

On the last occasion, we had directed learned counsel for Respondent No. 1 to find out whether without prejudice to the rights and contentions of the parties, the payment could be made to the appellant in respect to four invoices for the months of March, April, May and June, 2017. The counsel for Respondent No. 1 today submitted that he has instructions to state that Respondent No. 1 would be willing to make the payment in respect of

above mentioned invoices at the unit rate of Rs. 4.36 which comes to Rs. 9,26,18,374.26. Since there is some dispute about unit rate, we direct at the interim stage to ensure cash flow to make a payment of Rs. 9,26,18,374.26 to the appellant. We make it clear that this is just an interim measure to ensure cash flow. It is without prejudice to the rights and contentions of the appellant as well as Respondent No. 1 and it will abide by the final order that will be passed in the appeal. The payment will be made within three weeks.

In the meantime, Respondent No. 1 will consider whether for ongoing invoices without prejudice to the rights and contentions of the appellant as well as Respondent No. 1, the payment could be made at the same rate.

List the appeal for further hearing on 07.11.2017.

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ss/vg