

**COURT-I**

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

**IA NO. 1050 OF 2018 IN  
APPEAL NO. 205 OF 2017**

**Dated: 6<sup>th</sup> September, 2018**

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson  
Hon'ble Mr. S.D. Dubey, Technical Member**

**In the matter of:**

**Simhapuri Energy Limited**

**.... Appellant(s)**

**Versus**

**Central Electricity Regulatory Commission & Anr.**

**.... Respondent(s)**

Counsel for the Appellant(s)

: Mr. Sajan Poovayya, Sr. Adv.  
Mr. Hemant Singh  
Mr. Nishant Kumar  
Mr. Pratibhanu  
Ms. Jyotsna Khatri

Counsel for the Respondent(s)

: Ms. Suparna Srivastava for R-2

**ORDER**

**IA NO. 1050 OF 2018  
(Appln. for stay)**

The Applicant/Appellant has placed on record the following undertaking in terms of our Order dated 31.08.2018.

*"1. It is stated that the present memo is being filed by the Applicant/Appellant before this Hon'ble Tribunal for the purpose of grant of interim relief qua the letter dated 10.07.2018 seeking termination of TSA. The proposal of the Applicant/Appellant is provided herein below:*

- i. The Appellant undertakes to pay current bills towards the transmission charges raised by the Respondent No.2 which become due after 01.10.2018 i.e. the bill raised in month of August 2018 onwards, in the manner as provided in the TSA and as per the prevailing Regulations;*

- ii. *The Appellant undertakes to furnish a Letter of Credit (LC) as per prevailing Regulations within 1 month of the reinstatement of banking facility by the lenders of the Appellant. Further, the said period shall not exceed 90 days from date of the orders as may be passed by this Hon'ble Tribunal';*
- iii. *The Appellant will pay the past outstanding transmission charges raised by the Respondent No.2 till the month of July, 2018, in 15 Equal Monthly Instalments (EMI) starting from the month commencing 1<sup>st</sup> November, 2018, along with the applicable Late Payment Surcharge as provided in Regulation 45 of the CERC (Terms and Conditions of Tariff) Regulations, 2014;*
- iv. *The Appellant will not be entitled to the interim arrangement as stated herein above, in the event, the Appellant makes two consecutive default of the above terms;*
- v. *The above undertaking is subject to the outcome of the present appeal.”*

In the light of the above, this Application is disposed of in terms of the above undertaking. The termination of Transmission Service Agreement (**TSA**) is suspended. We direct that the Appellant shall take all necessary steps immediately for the operationalisation of Power Purchase Agreement. It is made clear that the Appellant will not be entitled to the interim arrangement as indicated in the above undertaking, in the event of two consecutive defaults of the above terms.

**APPEAL NO. 205 OF 2017**

List the matter on **30.10.2018.**

**(S. D. Dubey)**  
**Technical Member**

*ts/mk*

**(Justice Manjula Chellur)**  
**Chairperson**