

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

ORDER IN APPEAL NO. 205 OF 2013 &
IA NO. 133 OF 2016 & IA NO. 285 OF 2013 ON THE FILE OF THE
APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI

Dated: 7th May, 2018

Present: **Hon’ble Mr. Justice N.K. Patil, Judicial Member**
Hon’ble Mr. S.D. Dubey, Technical Member

In the matter of:

Sathavahana Ispat Limited

A Company incorporated under the provisions
Of the Companies Act, 1956 Having its Registered Office at:
No.314, Ramakrishna Towers,
Nagarjuna Nagar, Hyderabad – 500 073
(Represented by its Authorized Signatory)

..... Appellant

VERSUS

1. Karnataka Electricity Regulatory Commission

6th & 7th Floor, Mahalaxmi Chambers,
No. 9/2, M.G. Road, Bangalore-560001
(Represented by its Chairman)

2. Karnataka Power Transmission Corporation Limited

A Company registered under the provisions of
The Companies Act, 1956, having its Regd. Office at:
Kaveri Bhavan, K.G. Road,
Bangalore-560 009
(Represented by its Managing Director)

..... Respondents

Counsel for the Appellant (s) : Mr. Shridhar Prabhu
Mr. Anantha Narayana MG

Counsel for the Respondent(s) : Mr. Sriranga S.
Ms. Sumana Naganand
Ms. Pratiksha for R-2

The Appellant has sought the following reliefs in Appeal No. 205 of 2013:

- (i) Call for the entire records of O.P. No. 42 of 2011, in the file of the Respondent No.1, Karnataka Electricity Regulatory Commission, Bangalore;
- (ii) Set aside the impugned order passed by Respondent No.1 i.e., Karnataka Electricity Regulatory Commission in O.P. No. 42 of 2011 dated 8th August, 2013 at ANNEXURE-A-1, by allowing this appeal;
- (iii) To grant cost throughout; and
- (iv) To grant such other and further reliefs as this Hon'ble Tribunal deems fit to pass under the facts and circumstances of the case, in the interest of justice.

The Appellant has presented this Appeal for considering the following Question of Law:

- A. Whether the Appellant is required to construct a Transmission line up to the 2nd Respondent's Sub Station despite having constructed a dedicated Transmission Line and having paid the NAC as demanded by the 2nd Respondent.
- B. Whether the Respondent has discharge its Statutory Obligations as per Sections 39 and 40 of the Electricity Act, 2003.

ORDER

1. The Appellant herein by questioning the legality, validity and proprietary of the impugned Order dated 08.08.2013 passed in O.P. No. 42/2011 on the file

of the Karnataka Electricity Regulatory Commission, Bangalore, presented this Appeal.

2. The matter was come up for Orders on 19.04.2018. After hearing for some time, the matter was adjourned at the request of the learned counsel appearing for the Appellant to enable him to take necessary instructions in this matter from the Appellant to make his submissions.

3. The learned counsel appearing for the Appellant, on instruction from the Appellant, at the outset, submitted that, the instant Appeal filed by the Appellant may kindly be disposed of reserving liberty to the Appellant to submit a detailed consolidated representation for redressing their grievances before the second Respondent within a period of six weeks from the date of receipt of this Order with direction to the second Respondent to consider their representation and disposed of the matter sympathetically without being influenced by the observations made in the impugned Order dated 08.08.2013 passed in O.P. No. 42/2011 in accordance with law. Further, the interim Order granted by this Appellate Tribunal dated 03.09.2013 in Appeal No. 205 of 2013 on the file of the Appellate Tribunal for Electricity, New Delhi may kindly be extended till the disposal of the representation by the second Respondent in the interest of justice and equity.

4. *Per-contra*, the learned counsel, Mr. Sriranga S., appearing for the second Respondent, at the outset, submitted that, the submissions made by the learned counsel appearing for the Appellant may be placed on record and, further, submitted that, the second Respondent after receipt of the representation to be submitted by the Appellant, the same will be considered and disposed of within a period of two weeks from the date of the receipt of the representation submitted by the Appellant.

5. The submissions made by the learned counsel appearing for the Appellant and the learned counsel appearing for the second Respondent, as stated supra, are placed on record. The first Respondent served unrepresented.

6. In the light of the submissions made by the learned counsel appearing for the Appellant and the learned counsel appearing for the second Respondent, the Appellant herein, is permitted to submit his consolidated representation for redressing their grievances before the second Respondent within a period of four weeks from the date of receipt of this Order.

7. The second Respondent herein, is directed to consider the detailed consolidated representation filed by the Appellant and pass an appropriate Order in accordance with law without being influenced by the observations made in the impugned Order dated 08.08.2013 passed in O.P. No. 42/2011 on the file of

the Karnataka Electricity Regulatory Commission and dispose of the same as expeditiously as possible at any rate within a period of four weeks from the date of receipt of the detailed consolidated representation submitted by the Appellant.

8. Interim Order granted by this Appellate Tribunal dated 03.09.2013 in Appeal No. 205 of 2013 is extended till the detailed consolidated representation filed by the Appellant is considered and disposed of by the second Respondent..

9. With these observations, the instant Appeal, being Appeal No. 205 of 2013, filed by the Appellant on the file of the Appellate Tribunal for Electricity, New Delhi stands disposed of.

10. In view of the Appeal No. 205 of 2013 on the file of the Appellant Tribunal for Electricity, New Delhi being disposed of, consequently, IAs, being IA Nos. 133 of 2016 and 285 of 2013, filed by the Appellant stand disposed of as has become infructuous. Order accordingly.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

js/vt