

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
AT NEW DELHI**

(APPELLATE JURISDICTION)

**ORDER ON IA NO. 241 OF 2015 IN
APPEAL NO. 147 OF 2015**

Dated: 20th March, 2018

**Present: HON'BLE MR. N.K. PATIL, JUDICIAL MEMBER
HON'BLE MR. S.D. DUBEY, TECHNICAL MEMBER**

IN THE MATTER OF

Shree Cement Limited

Having its Registered Office at:
Bangur Nagar, Beawar,
District Ajmer, Rajasthan
Through Its General Manager
(Power Business)

..... Appellant

VERSUS

1. Rajasthan Electricity Regulatory Commission

Vidyut Viniyamak Bhawan,
Sahakar Marg,
Near State Motor Garage,
Jaipur
Through its Secretary

2. Jaipur Vidyut Vitran Nigam Limited

Through Chief Engineer (CP&L),
Vidyut Bhawan,
Janpath,
Jaipur

3. Rajasthan DISCOM Power Procurement Centre

(RDPPC) Through its Superintending Engineer,
Jaipur DISCOM, 400 KVGSS Building,
Ground Floor, Heerapura,
Jaipur

..... Respondents

Counsel for the Appellant ... Mr. Kumar Mihir
Counsel for the Respondent(s)... Mr. Raj Kumar Mehta
Ms. Himanshi Andley for R-1

Mr. Bipin Gupta
Mr. Suneel Bansal for R-2 & R-3

The Appellant has sought the following reliefs in the instant IA, being IA No. 241 of 2015 in Appeal No. 147 of 2015:

- a) Stay the operation of the Impugned order dated 10.04.2015 passed by the State Commission in Petition No. RERC-475/2014;
- b) Restrain the Respondent Nos. 2 & 3 herein to withhold the amounts due to the appellant herein with respect to other agreements/contracts, the appellant has with the said Respondents;
- c) Direct the Respondent Nos. 2 & 3 herein to release the amount of Rs. 5,46,52,734 withheld by them and payable to the Appellant in another contracts it had with the said respondents; or
- d) In the alternative and without prejudice to the above, direct the Respondent Nos. 2 & 3 to immediately refund the excess undisputed amount of Rs. 3,16,84,183 withheld by them along with interest @ 15% p.a. from the date of recovery.

e) Pass any other or further order/s as this Hon'ble Tribunal may deem fit and proper in facts and circumstances of the present case.

O R D E R

In view of the Appeal No. 147 of 2015 on the file of the Appellant Tribunal for Electricity, New Delhi being disposed of vide Judgment dated 20.03.2018, the relief sought in the instant IA, being IA No. 241 of 2015 does not survive for consideration and, hence stands disposed of.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

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