

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 766 OF 2018 IN
DFR NO. 1052 OF 2018

Dated: 23rd July, 2018

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

In the matter of:

Essar Power M.P. Limited

.... Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Sudhir Nandrajog, Sr. Adv.
Mr. Alok Shankar

Counsel for the Respondent(s) : Ms. Suparna Srivastava for R.2
Mr. Kumar Mihir for R.4

ORDER

(IA No. 766 of 2018 – for Directions)

We have heard the learned senior counsel, Mr. Sudhir Nandrajog, appearing for the Appellant, the learned counsel, Ms. Suparna Srivastava, appearing for the second Respondent and the learned counsel, Mr. Kumar Mihir, appearing for the fourth Respondent. Other Respondents, though served, are unrepresented.

The learned senior counsel appearing for the Appellant and the learned counsel appearing for the fourth Respondent submitted that, in compliance of the Order dated 17.07.2018 of this Appellate Tribunal, they have filed their respective affidavits on 20.07.2018. Therefore, in the light of the statements made by the Authorized Representative of the Appellant in the aforesaid affidavit in paragraphs 4 to 6, the same may kindly be taken on record and the time may kindly be further extended from 30.06.2018 to 31.10.2018 in the interest of justice and equity.

Per-contra, the learned counsel appearing for the second Respondent, *inter-alia*, contended and submitted that, the undertaking given at paragraph no. 6 of the affidavit filed by the Appellant may kindly be placed on record and the instant application may be disposed of.

Submissions made by the learned senior counsel appearing for the Appellant, the learned counsel appearing for the second Respondent and the learned counsel appearing for the fourth respondent, as stated supra, are placed on record.

In the light of the submissions made by the learned senior counsel appearing for the Appellant, the learned counsel appearing for the second Respondent and the learned counsel appearing for the fourth Respondent and also the statements made in affidavits dated 20.07.2018 in paragraph 6 of the affidavit which read thus:

“That as per the direction of this Hon’ble Tribunal, EP MPL undertakes to ensure that the works continue as fast as possible and the Mahan-Sipat Line is commissioned at the earliest but not later than 31.10.2018.”

In the light of the undertaking affidavit filed by the Appellant in paragraph 6, as stated supra, the time is extended for compliance of the Order dated 27.03.2018 till 31.10.2018 finally.

With these observations, the instant application is disposed of.

(S.D. Dubey)
Technical Member

pr/vt

(Justice N.K. Patil)
Judicial Member