

COURT - I

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

**IA NOs. 895 & 894 OF 2018 IN APPEAL NO. 41 OF 2018 &
IA NOs. 326 & 554 OF 2018**

Dated: 26th July, 2018

**Present: Hon'ble Mr. I. J. Kapoor, Technical Member
Hon'ble Mr. Justice N. K. Patil, Judicial Member**

In the matter of :

**M/s Hinduja National Power Corporation Limited ...Appellant(s)
Vs.
Andhra Pradesh Electricity Regulatory Commission & Ors. ...Respondent(s)**

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Mr. Shubham Arya
Mr. Abhishek Sharma
Ms. Nandita Bajpai
Ms. Purva Kohli

Counsel for the Respondent(s) : Mr. Basava Prabhu S. Patil, Sr. Adv.
Ms. Perna Singh for R.2 & 3

ORDER

With the consent of the parties IA Nos. 895 and 894 of 2018 are taken up today for hearing.

We have heard Mr. M.G. Ramachandran, learned counsel for the appellant and Mr. Basava Prabhu Patil, learned senior counsel for Respondent Nos. 2 & 3.

The letter dated 25.06.2018 sent by the Chief General Manager (IPC & P&MM) APSPDCL to the Director (T) (Operation) M/s Mahanadi Coalfields Limited has been brought to our notice by the Appellant, wherein it is stated thus:

"...The said arrangement is temporary and is subject to the orders of APTEL in Appeal No. 41 of 2018. Depending on the final outcome of the issue in Appeal, APDICOMs would take appropriate decision."

We have gone through the said letter. We make it clear that this was not the intention of our order dated 16.03.2018. We in the said order stated as under:

“It is stated in the said order that the arrangement of status quo prior to 31.01.2018 is an adhoc arrangement without prejudice to the rights and contentions of the parties until further orders.”

However, after hearing learned counsel for the parties, we are of the opinion that the word “**temporary**” used in the letter dated 25.06.2018 was not required in the said letter, as a result of which, the appellant has not been able to get requisite fuel linkage. In view of the above, we direct that Respondent Nos.2 & 3 are required to take immediate corrective action and should facilitate the appellant by issuing a letter to the coal supplier making it abundantly clear that our interim order dated 16.03.2018 grants status quo as it stood prior to 31.01.2018. We further direct Respondent Nos. 2 & 3 to issue a letter to Mahanadi Coalfields Limited without any further delay clarifying the above position as follows:

“The said arrangement is subject to the orders of APTEL in Appeal No. 41 of 2018. Depending on the final outcome of the issue in Appeal, APDICOMs would take appropriate decision.”

The IA Nos. 895 and 894 of 2018 are disposed of.

(Justice N. K. Patil)
Judicial Member

ts/mk

(I.J. Kapoor)
Technical Member