

**COURT - I**

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

**APPEAL NO. 32 OF 2015 & IA NO. 318 OF 2017 &  
APPEAL NO. 47 OF 2015**

**Dated: 24<sup>th</sup> April, 2017**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. I.J. Kapoor, Technical Member**

**APPEAL NO. 32 OF 2015 &  
IA NO. 318 OF 2017**

**In the matter of :**

**Talwandi Sabo Power Ltd. ...Appellant(s)  
Vs.  
Punjab State Electricity Regulatory Commission & Ors. ...Respondent(s)**

Counsel for the Appellant(s) : Mr. Sujit Ghosh  
Mr. Tushar Joshi

Counsel for the Respondent(s) : Mr. Shikha Ohri  
Mr. Nishant Kumar Jha for R.1

Mr. M.G. Ramachandran  
Ms. Ranjitha Ramachandran  
Ms. Poorva Saigal  
Ms. Anushree Bardhan  
Mr. Shubham Arya for R-2

**APPEAL NO. 47 OF 2015**

**Nabha Power Ltd. & Anr. ...Appellant(s)  
Vs.  
Punjab State Power Corporation Ltd. & Anr. ...Respondent(s)**

Counsel for the Appellant(s) : Mr. S. Ganesh, Sr. Adv.  
Mr. Aniket Prasoon  
Mr. Abhishek Kumar  
Mr. Kush Saggi

Counsel for the Respondent(s) : Mr. M.G. Ramachandran  
Ms. Ranjitha Ramachandran

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Ms. Poorva Saigal  
Ms. Anushree Bardhan  
Mr. Shubham Arya for R-1

Ms. Shikha Ohri  
Mr. Nishant Kumar for R.2

### **ORDER**

Today, we have closed the hearing of these appeals. Judgment is reserved.

In view of the fact that certain additional written submissions have been filed and three new judgments have been cited, we give permission to Mr. M.G. Ramachandaran, learned counsel appearing for the Respondent - Punjab State Power Corporation Ltd. (“PSPCL”) to give a short additional written submission in response to the additional written submissions filed today by the appellant within a week’s time i.e. on or before 01.05.2017 after serving copy on the other side.

On 06.04.2017, we passed the following order disposing of IA No. 248 of 2017 in Appeal No.32 of 2015 filed by the Appellant. The material portion of the said order is as follows:-

*“We direct the Appellant to furnish the bank guarantee within a period of two weeks from today. Counsel for the Appellant states that Appellant undertakes to furnish the bank guarantee within two weeks. We direct PSPCL to make payment for the billing period of February, 2017 payable in April, 2017. Payment will be released on due date in the month of April, 2017. This order is passed without prejudice to rights and contentions of the parties. Needless to say that this order will abide by the final order which will be passed in the main appeal.”*

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In view of the fact that hearing in these matters is closed and judgment is reserved, we are of the opinion that the order dated 06.04.2017 passed in IA No. 248 of 2017 in Appeal No.32 of 2015 should continue to operate with appropriate changes in the timelines, till the judgment is pronounced. Learned counsel appearing for the Respondent - Punjab State Power Corporation Ltd. (“**PSPCL**”) has opposed continuation of the interim arrangement. However, in the circumstances of the case, we are of the opinion that in the interest of justice order dated 06.04.2015 passed in IA No. 248 of 2017 in Appeal No.32 of 2015 should continue to operate with appropriate changes in the timelines till the pronouncement of final judgment. Order accordingly. We further direct that a comparative chart with respect to the facts of the two appeals may be filed within a week’s time i.e. on or before 01.05.2017 after serving copy on the other side.

**Judgment is reserved.**

**(I. J. Kapoor)**  
**Technical Member**

**(Justice Ranjana P. Desai)**  
**Chairperson**

*mk/vg*