

**COURT-1****IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)****APPEAL NO. 144 OF 2017 &  
IA NOS. 366 & 365 OF 2017****Dated: 16<sup>th</sup> August, 2017****Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. I. J. Kapoor, Technical Member****In the matter of:****Sugar Mills Association Madhya Pradesh .... Appellant(s)****Vs.****Madhya Pradesh Electricity Regulatory Commission & Anr. .... Respondent(s)**

Counsel for the Appellant(s) : Mr. M.G. Ramachandran  
Mr. Anand K. Ganesan  
Ms. Swapna Seshadri  
Ms. Neha Garg

Counsel for the Respondent(s) : Mr. S.Venkatesh  
Mr. Varun Singh  
Mr. Pratyush Singh  
Ms. Natabrata Bhattacharya  
Ms. Aditi Mohapatra for R-1

Mr. Nitin gaur  
Ms. Anuradha Mishra for R-2 MPPMCL

**ORDER**

On 29.05.2017, we had passed the following order :

*“Mr. M.G. Ramachandran, learned counsel for the appellant states that without prejudice to the contentions raised in the appeal, the appellant will approach the State Commission for a specific direction for execution of the Power Purchase Agreement by Respondent No.2 at the tariff determined by the State Commission. Learned*

*counsel states that the appellant will file an application before the State Commission within a week. On such application being filed, the State Commission shall decide the same expeditiously and in accordance with law within two months from the date of filing of the application by the appellant. The fact that the appeal against order dated 04.05.2017 is pending before us shall not come in the way of the State Commission in deciding the said application*

*List the matter on 08.08.2017 ”.*

On 08.08.2017, this appeal was listed before us. Since the order dated 29.05.2017 was not complied with, we directed the counsel for the State Commission to obtain instructions from the State Commission as to why the Order of this Tribunal is not complied with.

Today, counsel for the State Commission is not able to give any acceptable explanation as to why the State Commission has not disposed of the application, as directed by us in our order dated 29.05.2017. Counsel informed us that the matter is listed before the State Commission on 22.08.2017 and it will be heard on that day.

The State Commission ought to have complied with our order. However, since a statement has been made before us that the matter is listed before the State Commission on 22.08.2017, we refrain from stating

anything more. We hope and trust that on 22.08.2017, the matter will be heard and disposed of finally. If not, we will have to pass further appropriate orders.

List the matter on **05.09.2017**.

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

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

*pr/kt*