

COURT-I

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

**IA NO. 1068 OF 2017 IN
DFR NO. 4053 OF 2017**

Dated: 5th December, 2017

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

In the matter of:

Southern Power Distribution Company of Andhra Pradesh Ltd. ... Appellant(s)

Vs.

Andhra Pradesh Electricity Regulatory Commission & Anr. ... Respondent(s)

Counsel for the Appellant(s) : Mr. Basava Prabhu Patil, Sr. Adv.
Ms. Prerna Singh

ORDER

**IA NO. 1068 OF 2017
(Appln. for urgent listing)**

We have heard learned senior counsel for the Appellant. For the reasons stated in the application, list the matter on **12.12.2017**. Application is disposed of.

DFR NO. 4053 OF 2017

We have heard learned senior counsel for the Appellant. Learned senior counsel appearing for the Appellant at the outset vehemently submitted that there is urgency in the matter because of the impugned order dated 03.11.2017 passed by the State Commission in E.P. No.1 of 2017, wherein the Appellant herein has been directed to pay a sum of

Rs.13,84,19,133/- to Respondent No.2 herein on or before 24.11.2017. The said period for payment of the amount has been further extended by the State Commission by its order dated 25.11.2017, till 07.12.2017, failing which it is stated that the appropriate action will be initiated under Section 142 and 146 of the Electricity Act, 2003 in accordance with law. Further, learned counsel has quickly taken us to the operative portion of the order dated 31.05.2017 passed by this Tribunal, wherein it is stated that if circumstances demand, liberty has been given to the parties to approach this Tribunal.

After going through the impugned order; the grounds urged in the appeal and submissions made by learned senior counsel for the Appellant, supra, we *prima facie* of the opinion that the matter requires consideration.

Therefore, in the peculiar circumstances of the case, we stay the initiation of proceedings under Sections 142 and 146 of the Electricity Act, 2003 as contained in the order dated 25.11.2017 passed by the State Commission, till 14.12.2017 subject to the condition that the Appellant shall deposit a sum of Rs. 13,84,19,133/- with the State Commission on or before 07.12.2017. Further, the State Commission is hereby directed to invest the said amount in a nationalised bank until further orders. In case this order is not complied with on or before 07.12.2017, this order stands vacated without any further order.

On such deposit being made before the State Commission, the Appellant is directed to file a proof of the same before the Registry of this Tribunal. Thereafter, Registry is directed to issue notice to the

Respondents returnable on 12.12.2017, subject to curing the defects.
Dasti, in addition, is permitted.

List the matter on 12.12.2017.

(Justice N. K. Patil)
Judicial Member

(I.J. Kapoor)
Technical Member

ts/tpd