

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

IA NO. 841 OF 2017 IN
APPEAL NO. 328 OF 2017

Dated: 20th December, 2017

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

In the matter of:

M/s Omega Infraengineers Pvt. Ltd.

... Appellant(s)

Vs.

Punjab State Electricity Regulatory Commission & Ors.

... Respondent(s)

Counsel for the Appellant (s) : Mr. Krishna Kant
Mr. Tajender K. Joshi

Counsel for the Respondent(s) : Mr. Sakesh Kumar
Ms. Charu Singhal for R-1

Mr. Anand K. Ganesan
Ms. Neha Garg for R-2

Mr. Aadil Singh Boparai
Ms. Nooreen Sarna
Mr. Sunil Choudhary for R-3

ORDER ON IA NO. 841 OF 2017 IN APPEAL NO. 328 OF 2017

The learned counsel, Mr. Tajender K. Joshi, appearing for the Appellant filed an additional affidavit dated 20.12.2017. The same was taken on record.

The learned counsel appearing for the Appellant submitted that, the statement made in para 3 of the additional affidavit dated 20.12.2017 may be placed on record and also taking into consideration the financial difficulties pleaded by the Appellant and in the interest of justice, an appropriate interim order may kindly be passed.

The learned counsel, Mr. Anand K. Ganesan, appearing for the second Respondent submitted that, the statement made in para 3 of the additional affidavit dated 20.12.2017 may be placed on record an appropriate order may kindly be passed.

We have heard the learned counsel appearing for the Appellants, and learned counsel appearing for second Respondent and perused the statements made in the additional affidavit's para 3 and taking into consideration the financial constraints pleaded by the Appellant in the additional affidavit and in the interest of justice, we thought fit to pass just and appropriate order to safeguard the interest of the Appellant and the second Respondent in the interest of justice and equity.

The second Respondent is directed to pay 50% amount of the monthly bill raised by the Applicant/Appellant for electricity supplied to the Punjab State Power Corporation Limited from the solar plant of the Applicant/Appellant from 01.12.2017 until further orders.

Remaining 50% amount of the monthly bill shall be retained by the Punjab State Power Corporation Limited subject to result of this Appeal.

With these observations, the IA No. 841 of 2017 in Appeal No. 328 of 2017 stands disposed of.

APPEAL NO. 328 OF 2017

The learned counsel appearing for the Respondents submitted that they will file their reply to the Appeal within a period of six weeks after duly serving copy on the other side and the learned counsel appearing for the Appellant is also permitted to file rejoinder, if any, within a period of two weeks.

Post this matter for hearing after completion of the pleadings, as agreed by the counsel appearing for both the parties on **28.2.2018**.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

js/vt