

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

APPEAL NO. 53 OF 2018 &
IA NOS. 1184 & 1183 OF 2017

Dated: 13th March, 2018

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

In the matter of:

IND Barath Energy (Utkal) Limited	...	Appellant(s)
Vs.		
Central Electricity Regulatory Commission & Ors.	...	Respondent(s)

Counsel for the Appellant (s) : Mr. Matrugupta Mishra
Mr. Nishant Kumar

Counsel for the Respondent(s) : Ms. Swapns Seshadri
Ms. Rhea Luthra
Ms. Neha Garg for R-2

ORDER

**(IA No. 1183 of 2017 – for Exemption from
filing certified copy of Impugned Order)**

The learned counsel, Mr. Matrugupta Mishra appearing for the Appellant submitted that, the Appellant herein has filed an IA No. 1183 of 2017 for exemption from filing certified copy of the impugned order.

Further, he submitted that, he will file certified copy of the impugned order within a period of four weeks from today. Therefore, he submitted that, in the light of the submission made and the reasons stated in the application, exemption for production of certified copy of the impugned order at present may kindly be granted and IA No. 1183 of 2017 may kindly be allowed in the interest of justice and equity.

Submission made by the learned counsel appearing for the Appellant, as stated above, is placed on record.

In the light of the submission made by the learned counsel appearing for the Appellant and the reasons stated in the application, the same is accepted and IA No. 1183 of 2017 is allowed subject to the condition that the Appellant shall file certified copy of the impugned order within four weeks from today. With these observations, IA No. 1183 of 2017 stands disposed of.

(IA NO. 1184 OF 2017 – FOR STAY)

The learned counsel appearing for the Appellant submitted that, IA No. 1184 of 2017 has been filed by the Appellant to pass an ad-interim ex-parte order to stay the proceedings in Petition No. 73/MP/2017 before the Central Electricity Regulatory Commission, New Delhi. Further, he submitted that, the Respondent Commission has passed the final Order in the abovementioned Petition filed by the Appellant, therefore, the instant IA No. 1184 of 2017 may kindly be dismissed as has become infructuous.

Submission made by the learned counsel appearing for the Appellant, as stated above, is placed on record.

In the light of the submission made by the learned counsel appearing for the Appellant the instant IA, being IA No. 1184 of 2017, is dismissed as has become infructuous.

APPEAL NO. 53 OF 2018

Admit.

The learned counsel, Ms. Swapna Seshadri, appearing for the second Respondent prays for six weeks' time to file her reply in the matter.

Submission made by the learned counsel appearing for the second Respondent, as stated above, is placed on record.

The learned counsel appearing for the second Respondent is permitted to file her reply in this matter by 24.04.2018. Thereafter, rejoinder, if any, may be filed by 15.05.2018, after duly serving copy on the other side.

List this matter on 22.05.2018, as agreed by the learned counsel appearing for both the parties.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

js/vt