

COURT-I

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

APPEAL NO. 113 OF 2017

Dated: 23rd October, 2017

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

In the matter of:

Orange Mamatkheda Wind Pvt. Ltd.

... Appellant(s)

Vs.

Madhya Pradesh Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Ms. Mandakini Ghosh
Ms. Ritika Singhal
Mr. Vikas Aggarwal

Counsel for the Respondent(s) : Mr. S. Venkatesh
Mr. Pratyush Singh for R-1

Mr. Purushaindra Kaurav, Sr. Adv
Mr. Nitin Gaur
Ms. Anuradha Mishra for R-2

ORDER

Pursuant to our order dated 25.9.2017 a meeting was held at the office of Respondent No. 2 on 10.10.2017. We are happy to note that the parties have arrived at a settlement. A statement to that effect is made by the counsel for the parties. An affidavit is filed by Mr. Sanjeev Khare, Deputy General Manager (Commercial), Madhya Pradesh Power Management Company Limited, which sets out the terms of the settlement. It would be necessary to quote paragraphs 4 and 5 of the said affidavit, which read as under:

“4. That in the said meeting the Appellant proposed that it may consider for 50 % waiver of the past DPS provided Respondent

No.2 makes payments of remaining invoices for energy supplied till 31.08.2017 of principal amount of approximately Rs. 72.40 Crores due to the Appellant by October 22, 2017 and balance 50 % waiver of past DPS shall be waived off subject to Respondent No.2 paying monthly invoices within 60 days (i.e. 30 days beyond due date without DPS) for energy supplied till March 31, 2018.

5. That the Respondent No. 2 accepted the proposal of the Appellant and have assured to abide by the conditions of the settlement and make payments to the Appellants as amicably agreed and the Appellant have therefore on the conditions of payments have agreed to waive of the DPS completely (50 % by 22.10.2013 and 50 % by 31.03.2018) after the payments are done by the Respondent No.2. A true copy of the Minutes of Meeting dated 10.10.2017 is marked and filed herein as Annexure A-1.”

In view of the statement made by the counsel and in view of the undertaking given by Respondent No.2 that it would abide by the conditions of the settlement and make payment to the Appellant, which we have accepted, we are of the opinion that the appeal needs to be disposed of in terms of the settlement as indicated in the affidavit dated 13.10.2017 and more particularly in terms of the paragraphs which we have reproduced hereinabove. Liberty, however, needs to be given to the Appellant to approach this Tribunal in case Respondent No. 2 does not abide by the terms of the compromise. Needless to say that in that case the appeal will be then revived and appropriate orders will be passed.

Order accordingly.

The appeal is disposed of in the afore-stated terms. Connected IAs, if any, shall also stand disposed of.

(I. J. Kapoor)
Technical Member

ts/tpd

(Justice Ranjana P. Desai)
Chairperson