

COURT-II

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

Execution Petition No. 02 of 2016 in Appeal No. 188 of 2014
Execution Petition No. 03 of 2016 in Appeal No. 190 of 2014
Execution Petition No. 04 of 2016 in Appeal No. 73 of 2014
Execution Petition No. 05 of 2016 in Appeal No. 194 of 2014
Execution Petition No. 06 of 2016 in Appeal No. 192 of 2014

Dated : 12th October, 2017

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

**Execution Petition No. 02 of 2016
in Appeal No. 188 of 2014**

In the matter of:

M/s Hi-Tech Industries

.... Execution Petitioner(s)

Vs.

Himachal Pradesh State Electricity Board Ltd.

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Ajay Vaidya

**Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Parichita Chowdury
Mr. Ashwin Ramanathan for R-2**

**Execution Petition No. 03 of 2016 in
Appeal No. 190 of 2014**

In the matter of:

M/s Parvati Steel & Alloys

.... Execution Petitioner(s)

Vs.

Himachal Pradesh State Electricity Board Ltd.

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Ajay Vaidya

Counsel for the Respondent(s) : Mr. Anand K. Ganesan

Ms. Parichita Chowdury
Mr. Ashwin Ramanathan for R-2

Execution Petition No. 04 of 2016 in
Appeal No. 73 of 2014

In the matter of:

M/s Aditya Industries
Vs.

.... Execution Petitioner(s)

Himachal Pradesh State Electricity Board Ltd. **.... Respondent(s)**

Counsel for the Appellant (s) : Mr. Ajay Vaidya

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Parichita Chowdury
Mr. Ashwin Ramanathan for R-2

Execution Petition No. 05 of 2016 in
Appeal No. 194 of 2014

In the matter of:

M/s Suraj Fabrics Industries Ltd.
Vs.

.... Execution Petitioner(s)

Himachal Pradesh State Electricity Board Ltd. **.... Respondent(s)**

Counsel for the Appellant (s) : Mr. Ajay Vaidya

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Parichita Chowdury
Mr. Ashwin Ramanathan for R-2

Execution Petition No. 06 of 2016 in
Appeal No. 192 of 2014

In the matter of:

M/s SPS Steel Rolling Mills Ltd.
Vs.

.... Execution Petitioner(s)

Himachal Pradesh State Electricity Board Ltd. **.... Respondent(s)**

Counsel for the Appellant (s) : Mr. Ajay Vaidya

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Parichita Chowdury

Mr. Ashwin Ramanathan for R-2

ORDER

After hearing the parties we were informed that subsequent to this Tribunal's judgment dated 18.12.2015 in Appeal No. 188 of 2014, Appeal No. 189 of 2014, Appeal No. 190 of 2014, Appeal No. 191 of 2014, Appeal No. 192 of 2014, Appeal No. 194 of 2014 and Appeal No. 195 of 2014, the State Commission has passed a reasoned order dated 05.10.2016 wherein the State Commission has ordered as under;

"In light of the foregoing discussions, the Commission, by invoking the provisions contained in paras 9.5 and 9.6 of the Supply Code, 2009, hereby orders that the amount received or to be received as per para 3.2.2 of the Supply Code, 2009 for grant of the Power Availability Certificate (PAC) in respect of the Contract Demand applied by consumers/applicants be adjusted in accordance with the mechanism proposed in para-9, read with item (iv) under para-16 of this Order."

We have also been informed that even this Order dated 05.10.2016 has been challenged by the Execution Petitioners.

In light of the above, Execution Petition No. 02 of 2016 in Appeal No. 188 of 2014, Execution Petition No. 03 of 2016 in Appeal No. 190 of 2014, Execution Petition No. 04 of 2016 in Appeal No. 73 of 2014, Execution Petition No. 05 of 2016 in Appeal No. 194 of 2014 and Execution Petition No. 06 of 2016 in Appeal No. 192 of 2014 stand disposed of as infructuous.

(Justice N.K. Patil)
Judicial Member

(I. J. Kapoor)
Technical Member