

**COURT-I**

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

**DFR NO. 3111 OF 2017**

**DFR NO. 3112 OF 2017**

**AND**

**DFR NO. 3113 OF 2017**

**Dated: 20<sup>th</sup> September, 2017**

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

**In the matter of:**

**DFR NO. 3111 OF 2017**

**M/s Aurum Renewable Energy Pvt. Ltd.**

**... Appellant(s)**

**Vs.**

**Central Electricity Regulatory Commission & Ors.**

**.... Respondent(s)**

**Counsel for the Appellant(s) : Mr. Soli J. Sorabjee, Sr. Adv.  
Mr. S.B. Upadhyay, Sr. Adv.  
Mr. Sakya Singha Chaudhuri  
Mr. Anand Kr. Shrivastava  
Ms. Molshree Bhatnagar  
Ms. Manpreet Kaur**

**Counsel for the Respondent(s) : Mr. Nikhil Nayyar  
Mr. Dhananjay Bajjal for R-1**

**Mr. M.G. Ramachandran  
Ms. Anusha Bardhan  
Ms. Poorva Saigal  
Mr. Shubham Arya for R-2**

**Mr. Mishra  
Mr. Sanjeev Saxena for R-3**

**DFR NO. 3112 OF 2017**

**M/s Diwakar Solar Projects Ltd.**

**... Appellant(s)**

**Vs.**

**Central Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant(s) : Mr. Soli J. Sorabjee, Sr. Adv.  
Mr. Gopal Jain, Sr. Adv.  
Mr. Sakya Singha Chaudhuri  
Mr. Anand Kr. Shrivastava  
Ms. Molshree Bhatnagar  
Ms. Manpreet Kaur

Counsel for the Respondent(s) : Mr. Nikhil Nayyar  
Mr. Dhananjay Baijal for R-1  
  
Mr. M.G. Ramachandran  
Ms. Anusha Bardhan  
Ms. Poorva Saigal  
Mr. Shubham Arya for R-2  
  
Mr. Mishra  
Mr. Sanjeev Saxena for R-3

**DFR NO. 3113 OF 2017**

**M/s KVK Energy Ventures Pvt. Ltd. ... Appellant(s)**

**Vs.**

**Central Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant(s) : Mr. Soli J. Sorabjee, Sr. Adv.  
Mr. Gopal Jain, Sr. Adv.  
Mr. Sakya Singha Chaudhuri  
Mr. Anand Kr. Shrivastava  
Ms. Molshree Bhatnagar  
Ms. Manpreet Kaur

Counsel for the Respondent(s) : Mr. Nikhil Nayyar  
Mr. Dhananjay Baijal for R-1  
  
Mr. M.G. Ramachandran  
Ms. Anusha Bardhan  
Ms. Poorva Saigal  
Mr. Shubham Arya for R-2  
  
Mr. Mishra  
Mr. Sanjeev Saxena for R-3

**ORDER**

Issue notice to the respondents returnable on 12.10.2017. Mr. Nikhil Nayyar takes notice on behalf of Respondent No.1, Mr. M.G. Ramachandran takes notice on behalf of Respondent No.2 and Mr. Sanjeev Saxena takes notice on behalf of Respondent No.3. Notice be issued to the other respondents. Learned counsel for the appellant states that they have served other respondents also. They may file the affidavit of service.

Learned counsel for the parties may file preliminary submissions on or before 27.09.2017 after serving copy on the other side.

We are informed that the Central Commission has finally heard some matters and reserved the orders. The present appeals and those matters are companion matters. We make it clear that the Central Commission can go ahead with those matters and can declare its orders.

On 18.09.2017 this matter was mentioned before us in the morning session. Looking to the urgency of the matter, we gave liberty to the learned counsel for the appellants to mention the matter before us at 2.30 p.m. In the meantime, since the impugned order was not made available to the appellants by the Central Commission, we expressed that learned counsel should inform the Central Commission that we feel that the order should be made available to the appellants. We had also orally directed the counsel for the appellants to inform the Central Commission that its lawyer or representative should appear before us at 2.30 p.m. The matter was mentioned before us at 2.30 p.m. Ms. Molshree Bhatnagar,

learned counsel for the appellants made a statement, *inter alia*, that the Central Commission had taken a conscious decision not to defend its order before this Tribunal. We posted the matter for 20.09.2017 i.e., today.

An affidavit has been filed by Mr. Nikhil Nayyar, learned counsel for the Central Commission *inter alia* stating that no such statement was made by Mr. Sanoj Kumar, Secretary of the Central Commission to Ms. Molshree Bhatnagar. When asked Ms. Molshree Bhatnagar expressed regret and stated that the said statement was made because of some mis-communication. In view of this statement, which we accept, we feel that no further order is necessary in this connection. If in our order dated 18.09.2017 any comments are made against the Central Commission, since they were made in the peculiar circumstances quoted above, those comments shall be treated as having been deleted.

List these matters on **12.10.2017.**

**(I. J. Kapoor)**  
**Technical Member**

**(Justice Ranjana P. Desai)**  
**Chairperson**

*ts/tpd*