

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

ORDER IN APPEAL NO.59 OF 2014 &
IA NOS.111 OF 2014 & 1277 OF 2018 AND
APPEAL NO.120 OF 2014

Dated: 12th September, 2018

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

APPEAL NO.59 OF 2014 & IA NO.111 of 2014

IN THE MATTER OF:

Madhya Pradesh Power Generating Company Limited

Shakti Bhawan, Vidyut Nagar,
Rampur Jabalpur (M.P.) – 482008

..... Appellant

VERSUS

1. **Central Electricity Regulatory Commission**
3rd & 4th Floor, Chandralock Building,
36-Janpath, New Delhi -01
2. **Uttar Pradesh Power Corporation Limited**
14th Floor, Shakti Bhawan Extn.,
14-Ashok Marg, Lucknow – 226 001
3. **Secretary, Energy Department,**
Madhya Pradesh Government,
3rd Floor, Vallabh Bhawan,
Bhopal – 462 004
4. **Madhya Pradesh State Electricity Board**
Shakti Bhawan, Vidyut Nagar,
Rampur Jabalpur (M.P.) – 482008

5. **M. P. Power Trading Company Limited**

(now named as M. P. Power Management Company Limited)

Shakti Bhawan, Vidyut Nagar,

Rampur Jabalpur (M.P.) – 482008

.....Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Ms. Poorva Saigal
Ms. Anushree Bardhan

Counsel for the Respondent(s) : Mr. Sethu Ramalingam for R-1

Mr. Pradeep Mishra
Mr. Manoj Kumar Sharma
Mr. Rajiv Srivastava
Ms. Garima Srivastava
Ms. Gargi Srivastava for R-2

Mr. G.Umapathy
Mr. Aditya Singh for MPPMCL/R.5

APPEAL NO.120 OF 2014

M.P.Power Management Company Limited

Shakti Bhawan, Rampur,

Jabalpur (M.P.) – 482008

.....Appellant

VERSUS

1. **Central Electricity Regulatory Commission**

3rd & 4th Floor, Chandralock Building,
36-Janpath, New Delhi -01

2. **Chairman, Uttar Pradesh Power Corporation Limited**

14th Floor, Shakti Bhawan Extn.,
14-Ashok Marg, Lucknow – 226 001

3. **Chairman, Uttar Pradesh Jal Vidyut Nigam Ltd.,**

Shakti Bhaan
3rd Floor, 14-Ashok Marg,
Lucknow – 226 001

4. **Principal Secretary, Energy Department,**

Govt. of Uttar Pradesh,
Bapu Bhawan,
Lucknow– 226 001.

5. **Managing Director, M. P. Power Generating Company Limited**
Shakti Bhawan,
Rampur Jabalpur (M.P.) – 482008Respondent(s)

Counsel for the Appellant(s) : Mr. G.Umapathy
Mr. Aditya Singh

Counsel for the Respondent(s) : Mr. Sethu Ramalingam for R-1

Mr. Pradeep Mishra
Mr. Manoj Kumar Sharma for R-2 & R-3

Mr. Rajiv Srivastava
Ms. Garima Srivastava
Ms. Gargi Srivastava for R-2

Mr. M.G. Ramachandran
Ms. Poorva Saigal
Ms. Anushree Bardhan for R-5

The Appellant has sought the following reliefs in the Appeal No.59 of 2014 :-

- (a) Allow the appeal and set aside the Order dated 02.01.2014 passed by the Central Commission to the extent challenged in the present appeal;
- (b) Pass such other Order(s) and this Hon'ble Tribunal may deem just and proper.

The Appellant has presented in this matter for consideration under the following Questions of Law:

- A. Whether in the facts and circumstances of the case, the Central Commission is right in holding that it has jurisdiction to regulate the tariff of the Appellant?

- B. Whether in the facts and circumstances the Central Commission is right in holding that the supply of power from the Rajghat project is to more than one State?
- C. Whether sharing of power from Rajghat Project with Respondent No.2 which is developed jointly by two State Electricity Boards, can be considered as supply or sale under the Electricity Act?
- D. Whether in the facts and circumstances the Central Commission is right in directing the Appellant to pay compensation i.e. payment of interest on the Amount contributed by the Respondent No.2 *towards its share of the cost of the project*, when appellant has neither received investment nor enjoying the benefit of Respondent No.2 share of power?

The Appellant has sought the following reliefs in the Appeal No.120 of 2014 :-

- a) Set aside the impugned order dated 2.1.2014 passed by the Central Electricity Regulatory Commission, New Delhi in Petition No.45/2010.
- b) Pending disposal of the appeal, stay the further proceedings before CERC pursuant to the impugned order; and
- c) Pass such other and further Orders as the Hon'ble Tribunal may deem fit and appropriate in the interest of natural justice.

The Appellant has presented in this matter for consideration under the following Questions of Law:

- A. Whether CERC was justified in directing the Respondent No.5 to file appropriate Tariff Petition in respect of Rajghat HPS for approval of tariff in accordance with Regulations w.e.f. date of supply of power to the Respondent No.2 i.e 8th Sept.2012?

- B. Whether CERC under Section 79 of the Electricity Act 2003 has at all the jurisdiction to direct the Appellant to file petition for determination of tariff when admittedly there is no sale of electricity but only sharing of power and sharing cost of generation?
- C. Whether CERC was justified in directing supply of capacity share of 19.95 MW to the Respondent No.2 from Rajghat HPS?
- D. Whether CERC was justified to allow payment of interest by the Appellant and Respondent No.5 to Respondent No.2 on Rs.65.50 Crore @ 10.17% compounded annually from 1.4.2000 till date of restoration of 25% of power to Respondent No.2 i.e. 7th Sept. 2012?
- E. Whether CERC erred in rewriting the contract and totally ignored the agreement between the parties while directing supply of capacity share of 19.95 MW to the Respondent No.2?

ORDER

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

**IA NO. 1277 OF 2018 IN APPEAL NO. 59 OF 2014
(For taking on record minutes of the meeting)**

The instant IA was filed by the learned counsel appearing for the second Respondent to take on record the Minutes of Meeting held on 09.08.2018 between Principal Secretary Energy, GoMP and Principal Secretary, Energy, GoUP at Lucknow in compliance of the directions given by this Tribunal vide its Order 25.07.2018.

The same is taken on record. The IA is allowed and stands disposed of.

APPEAL NO.59 OF 2014 & IA NO.111 of 2014
AND
APPEAL NO.120 OF 2014

1. Learned counsel appearing for the Appellant and learned counsel appearing for the Respondents submitted that, the matter has been settled amicably between the Appellant and the Respondents as per the Minutes of Meeting held on 09.08.2018 between Principal Secretary Energy, Government of Madhya Pradesh and Principal Secretary, Energy, Government of Uttar Pradesh at Lucknow in compliance to directions given by this Tribunal in Appeal No. 59 of 2014 & IA No. 111 of 2014 and Appeal No.120 of 2014 on 25.07.2018. In the light of the terms and conditions of the proceedings held on 09.08.2018, and also in the light of statement made in the Memo dated 12.09.2018 filed by the Appellant in Appeal No. 59 of 2014, affidavit dated 12.09.2018 filed by the Appellant in Appeal No. 120 of 2014 and the IA No. 1277 of 2018 filed by the learned counsel appearing for the second Respondent in both the Appeals, the instant Appeals, being Appeal Nos. 59 of 2014 and 120 of 2014, filed by the Appellant may kindly be disposed of modifying the Impugned Order dated 02.01.2014 passed in Petition No. 45/2010 on the file of the Central Electricity Regulatory Commission, New Delhi, in terms and reasons stated therein, in the interest of justice and equity.

2. The learned counsel, Mr. Sethu Ramalingam, appearing for the first Respondent in both the Appeals, submitted that, this Tribunal may kindly clarify regarding jurisdiction of the first Respondent/Central Commission.

3. Submissions made by the learned counsel appearing for the Appellant and the Respondents, as stated supra, are placed on record.

4. The statement made in the Memo filed by the learned counsel, Mr. M.G. Ramachandran, appearing for the Appellant in Appeal No. 59 of 2014, read thus:

“MEMO

1. *This Hon’ble Tribunal, while reserving the judgment in the above appeal by its order dated 25.7.2018 directed that the Principal Secretaries of both the States of UP and MP to explore the possibilities of an amicable settlement keeping in view the interest of both the States and report the same as expeditiously as possible at any rate within a period of 15 days.*

2. *Pursuant to the above directions, a meeting was convened on 9th August 2018 between Principal Secretary Energy, GoMP and Principal Secretary, Energy, GoUP at Lucknow.*

3. *During the deliberations the issues involved in the above two appeals were amicably settled in addition to other issues pertaining to Rihand and Matatila which are pending before the Hon’ble Supreme Court.*

4. *The matter came up for hearing on 17.8.2018 when the Counsel for the parties were permitted to place on record the Minutes of the Meeting so that further orders could be passed.*

5. *The matter relating to sharing of electricity with Uttar Pradesh Power Corporation Limited (UPPCL) stands decided between MPPMCL and UPPCL as per the Minutes of the Meeting dated 09.08.2018. The Minutes of the Meeting held on 9th August, 2018 resolving the issue is attached hereto and marked as Annexure-1.*

6. *The tariff for generation of electricity at the Rajghat Hydro Station, shall be determined by the Madhya Pradesh Electricity Regulatory Commission as the tariff determination is of a generating*

company owned and controlled by the Government of Madhya Pradesh and the generating station is situated in the territory of Madhya Pradesh and supplying the entire electricity to Madhya Pradesh Power Management Company Limited (MPPMCL), a licensee in the State of Madhya Pradesh. The letter dated 14.08.2018 from MPPGCL is attached hereto and marked as Annexure-II and the Letter dated 16.08.2018 from UPPCL in confirmation of the above is attached hereto and marked as Annexure-III.

*Date: 12.09.2018
Place: New Delhi*

*sd/-
Counsel for Madhya Pradesh Power
Generating Company Limited*

*Sd/-
Counsel for Uttar Pradesh Power
Corporation Limited*

*Sd/-
Counsel for Madhya Pradesh Power
Management Co. Limited*

5. The statement made on the Affidavit filed by Mr. Dilip Singh, Dy. General Manager and OIC of Madhya Pradesh Power Management Co. Ltd. through the learned counsel, Mr. G. Umapathy, appearing for the Appellant in Appeal No. 120 of 2014, read thus:

“AFFIDAVIT ON BEHALF OF THE APPELLANT”

I, Dilip Singh, S/o Late Shri J.P. Singh, aged about 53 years having office at Chief General Manager (Regulatory), M.P. Power Management Co. Ltd., Shakti Bhawan, Vidyut Nagar, Jabalpur-482008, presently having come down to New Delhi, do hereby solemnly affirm and state as under:

1. I state that I am the Dy. General Manager and OIC of the Appellant Company and as such I am aware of the facts of the case and competent to file the present additional affidavit.

2. I state that this Hon’ble APTEL, while reserving the judgment in the above appeal by its order dated 25.7.2018 directed that the Principal Secretaries of both the States of UP and MP may explore the possibilities of an amicable settlement keeping in view the interest of

both the States and report the same as expeditiously as possible at any date within a period of 15 days.

3. *I state that pursuant to the above, a meeting was convened on 9th August 2018 between Principal Secretary Energy, GoMP and Principal Secretary, Energy, GoUP at Lucknow.*

4. *I state that during the deliberations the issues involved in the above appeal pertaining to Rajghat Hydro Electric Project (HEP) situated in MP were amicably settled in addition to other issues pertaining to Rihand and Matatila HEPs situated in UP which are pending before the Hon'ble Supreme Court.*

5. *I state that both Power Utilities that MP Power Generation Company Ltd shall continue with the practice of filing tariff for generation of electricity of Rajghat HEP before MPERC and UP Jal Vidyut Nigam Ltd will file tariff petition for Rihand & Matatila HPS before UPERC as per prevailing practice.*

6. *I state that as far as the payment of charges between either parties for availing their respective shares shall be as per CERC's order dt 21.08.2012 & order dt 02.01.2014 in Petition no 45/2010 in respect of Rajghat HPS. In respect of Rihand & Matatila, the same would be as per CERC's order dt 11.07.2018 in Review Petition no. 01/RP/2018 in Petition no. 128/MP/2016. This will ensure avoid any further litigation and lead to amicable settlement between the parties.*

7. *I state that the matter came up for hearing on 17.8.2018 when the Counsel for the parties were permitted to place on record the Minutes of Meeting (MoM) dated 9.8.2018 so that further orders could be passed. A copy of MOM dated 9.8.2018 settling the issues arising in the above appeals is annexed and marked as Annexure-I.*

8. *In light of the above, this Hon'ble APTEL may be pleased to take on record the MoM held on 9.8.2018 and dispose of the appeal in terms of the above.*

Sd/-
DEJPMEMT
M.P. POWER MANAGEMENT CO. LTD.
JABALPUR

VERIFICATION

Verified that the contents of the above are true and no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the 10th day of September, 2018

Sd/-
DE[PMEMT
M.P. POWER MANAGEMENT CO. LTD.
JABALPUR”

6. The statement made in IA No. 1277 of 2018 in Appeal Nos. 59 of 2014 and 120 of 2014, which read thus:

“Application for taking on record the Memorandum of the Minutes of Meeting held on 09.08.2018, at Lucknow, between Principal Secretary, Energy, Government of Madhya Pradesh and Principal Secretary, Energy, Government of U.P. in compliance of the directions given by this Hon’ble Tribunal on 25.07.2018”

It is submitted as Follows:

- 1. That this Hon’ble APTEL, while reserving the judgment in the above appeals by its order dated 25.7.2018 directed that the Principal Secretaries of both the States of UP and MP may explore the possibilities of an amicable settlement keeping in view the interest of both the States and report the same as expeditiously as possible at any date within a period of 15 days.*
- 2. That pursuant to the above, a meeting was convened on 9th August 2018 between Principal Secretary Energy, GoMP and Principal Secretary, Energy, GoUP at Lucknow.*
- 3. That during the deliberations the issues involved in the above two appeals pertaining to Rajghat Hydro Electric Project (HEP) situated in MP were amicably settled in addition to other issues pertaining to Rihand and Matatila HEPs situated in UP which are pending before the Hon’ble Supreme Court.*
- 4. That the matter came up for hearing on 17.8.2018 when the Counsel for the parties were permitted to place on record the Minutes of Meeting (MoM) dated 9.8.2018 so that further orders could be*

passed. A copy of MOM dated 9.8.2018 settling the issues arising in the above appeals is annexed and marked as Annexure-I.

5. That further it was discussed alongside the meeting and accepted by both the Power Utilities that MP Power Generation Company Ltd. shall continue with the practice of filing tariff for generation of electricity of the Rajghat HEP before MPERC and UP Jal Vidyut Nigam Ltd. will file tariff petition for Rihand & Matatila HPS before Hon'ble UPERC as per prevailing practice. This was confirmed by MP Power Generation Company Ltd. letter no. -07-12/CS:MPPGCL/CP-116/1109, dated 14-08-2018 annexed and marked as Annexure-II.

6. That accordingly, UPPCL vide letter no. – SPAT/MPPMCL/2018/568,A dated 16-08-2018, annexed and marked as Annexure-III, conveyed the consent of UPPCL for filing tariff petition of Rajghat HPS before the Hon'ble MPERC. Further UP Jal Vidyut Nigam Ltd. vide letter no. -76/SE(Comm.)/Tariff Petition, dated 16-08.2018, annexed and marked as Annexure-IV, has requested MP Power Management Company Ltd to give consent for filing the tariff petition of Rihand & Matatila HPS before Hon'ble UPERC. The consent is awaited.

7. That in the light of the above, it is humbly prayed that this Hon'ble Tribunal may kindly be pleased to take on record this application annexed with MoM held on 9.8.2018, (Annexure A-1), letter dated 14.08.2018 from Madhya Pradesh Generating Company Ltd. to U.P. Power Corporation Ltd. (Annexure A-2), letter dated 16.08.2018 from U.P. Power Corporation Ltd. to M.P. Power Generating Company Ltd. (Annexure A-3) and letter dated 16.08.2018, written by U.P. Jal Vidyut Nigam Ltd. to Madhya Pradesh Power Management Company Ltd. (Annexure A-4).

8. That further, it is humbly prayed that this Hon'ble Tribunal may kindly be pleased to dispose of the above noted appeals by taking into consideration the averments made in this application with Annexure A-1 to A-4 forming part of the Application.

Lucknow
Date 7.9.2018

Sd/-
Deepak Raizada
Superintending Engineer
SPAT Circle
P.P.A. Directorate, U.P.P.C.L.
10th Floor Shakti Bhawan Extension, Lucknow 226001
(Applicant)

Declaration
The applicant, above named hereby solemnly declares that nothing material has been concealed or suppressed and further declares that no enclosure and typed set of material paper have been relied upon and has not been filed herewith verified

Lucknow dated 7th this day of September, 2018

Sd/-
Counsel for Applicant

Sd/-
Deepak Raizada
Superintending Engineer
NOTARY SPAT Circle
P.P.A. Directorate, U.P.P.C.L.
10th Floor Shakti Bhawan Extension, Lucknow 226001
(Applicant)

Verification
I, Deepak Raizada aged about 51 years S/o Sri T.N. Srivastava, Superintending Engineer, (SPATC) UP Power Corporation Ltd., 10th Floor, Shakti Bhawan Extension, 14 Ashok Marg, Lucknow, the deponent do hereby verify that the contents of paragraphs 1 to 8 of the Application are believed by me to be true on my personal knowledge derived on the basis of records and paragraphs – to – are believed by me to be true on the basis of legal advice and that I have not suppressed any material fact.

Lucknow
Date 7.9.2018

NOTARY

Sd/-
Deepak Raizada
Superintending Engineer
SPAT Circle
P.P.A. Directorate, U.P.P.C.L.
10th Floor Shakti Bhawan Extension, Lucknow 226001
(Signature of the Authorized Officer)"

7. Further, it is worthwhile to produce hereunder the Minutes of Meeting held on 09.08.2018 between the Principal Secretary Energy,

Government of Madhya Pradesh and Principal Secretary, Energy, Government of Uttar Pradesh at Lucknow, read thus:

“Annexure A-1

Minutes of Meeting held on 09-08-2018 between Principal Secretary Energy, GoMP and Principal Secretary, Energy, GoUP at Lucknow in compliance to directions given by the Hon'ble APTEL in appeal no. 59 of 2014 and IA no. 111 of 2014 and Appeal No. 120 of 2014 on 25-07-2018

- 1. It was agreed between the two parties that the capital cost of the Rajghat HPP till COD of the station as determined by CERC in its Order dated 02/01/2014 in Petition No. 45/2010 was Rs. 147.72 crore. The COD of Rajghat HPP's last unit was on 03.11.1999 and keeping in view the cut-off date as per prevailing Tariff Regulations of CERC, it was agreed that capital cost for Rajghat HPP up to COD after capitalization of expenditure up to 2001-2002 (i.e. two years after COD of last unit) shall be Rs. 162.43 crores. Based on this agreed capital cost, the share of UP against its equity contribution of Rs. 65.50 crore works out to 40.32% that translate to 18.15 MW which shall be considered as UP's share in the project.*
- 2. MPERC in its Order dated 25-01-2006 in Petition no. 112/2005 has determined total capital cost of Rs. 82.75 crore assuming 50% MP's share. Accordingly, the total capital cost of the Rajghat HPP as on FY 2004-05 works out to Rs.165.50 crores. The difference in the capital cost of Rajghat HPP as determined by MPERC and as agreed with cut-off date i.e. (Rs.165.50 crore – Rs. 162.43 crore) works out to Rs. 3.07 crores. This difference in capital cost was spread over the years FY2002-03, FY 2003-04 and FY 2004-05. UP's share (40.32%) of this difference works out to Rs. 1.24 crores, spread over the three financial years from FY 2002-03 to FY 2004-05. It was agreed upon that this amount would be set off against the interest payable to UPPCL by MPPMCL as directed by CERC in para 20 of its Order dated 02.01.2014 in Petition No. 45/2010.*

3. *CERC, in its Order dated 02.01.2014 in Petition No. 45/2010, approved compensation amount for non-supply of energy by MP from Rajghat HPP to UP till restoration of 25% share power (31.03.2012) @ 10.17% compounding interest on amount paid by UP towards it's share from 01.04.2000. The issue of interest payment by UPPCL to MPPMCL in the matter of retention/under supply of power from Rihand and Matatila HPP of Uttar Pradesh was also deliberated between both the parties. It was agreed between both the parties that, the rate of interest shall be fixed at 10.17% and instead of compounding interest, simple interest shall be claimed by UPPCL against CERC Order dated 02.01.2014 in Petition No. 45/2010 for calculation of compensation amount on account of non-supply of energy. On the same analogy, simple interest at 10.17% shall be claimed by MPPMCL to UPPCL instead of the ruling of CERC in para 53(d) of Order dated 12.11.2008 in Petition No. 107 of 2007. It was further agreed between both the parties that the interest on compensation amount shall be calculated only up to the date of restoration of supply in both the cases that is from Rihand HPP and Matatila HPP to MP from 01.04.1982 to 31.03.2008 and from Rajghat HPP to UP, the same is from 01.04.2000 to 07.09.2012. it was also agreed between both the parties that no interest on compensation beyond the date of restoration of supply from Rihand and Matatila HPP to MP and Rajghat HPP to UP shall be paid.*
4. *It was also agreed that bill towards O&M Charges of Rajghat HPP with effect from 08.09.2012 till the restoration of 40.32% share of UP shall be adjusted against compensation amount to be paid by MP to UP. Thereafter, balance compensation of UP in Rajghat HPP shall be adjusted against the interest claim of MP in Rihand and Matatila HPP.*
5. *After considering above adjustments, the amount payable by UPPCL to MPPMCL against retention/non-supply of power from Rihand & Matatila HPP by UPPCL as per CERC Order dated 12.11.2008 in Petition No. 107 of 2007 shall be paid in interest free quarterly installments over 3 years period starting from third quarter of FY 2018-19.*

6. *It was also agreed between both the parties that the difference between UP's share of 40.32% of scheduled generation from Rajghat HPP since the commencement of 25% supply from Rajghat HPP and actual scheduled generation to Uttar Pradesh from Rajghat HPP shall be worked out, and the same shall be compensated to Uttar Pradesh in energy terms. Any energy supplied by Rajghat HPP to UP after COD of the Rajghat HPP up to 07.09.2012 will be subtracted from the energy amount arrived above. It was also agreed between both the parties that at least 50% of this energy shall be supplied to UPPCL during their peak hour requirements of summer months of 2019 and 2020.*

*Lucknow
Sd/-
I.C.P. Keshari
Principal Secretary
Energy Department
Government of Madhya Pradesh*

*dated 09.08.2018
Sd/-
Alok Kumar
Principal Secretary
Energy Department
Government of Uttar Pradesh*

*Sd/-
Deepak Raizada
Superintending Engineer
SPAT Circle
P.P.A. Directorate, U.P.P.C.L.
10th Floor Shakti Bhawan Extension, Lucknow 226001*

8. In view of the submissions of the learned counsel appearing for the Appellant and learned counsel appearing for the Respondents and in the light of the statement made in the application and the minutes of the meeting held on 09.08.2018 (Annexure-A-1) and in terms & conditions and the reasons stated therein, as stated supra, we hereby modify the Impugned Order dated 02.01.2014 passed by the Central Electricity Regulatory Commission in Petition No. 45/2010. With these observations, these two Appeals, being Appeal No. 59 of 2014 and Appeal No. 120 of 2014, filed by the Appellants, stand disposed of.

9. Further, it is needless to clarify that we are not expressing any opinion regarding jurisdiction of the first Respondent. Therefore, the question of giving clarification does not call for.

With these observations, the instant Appeals stand disposed of.

10. This Tribunal acknowledges, with gratitude, the contribution of the Principal Secretary, Energy, Government of Madhya Pradesh and the Principal Secretary, Energy, Government of Uttar Pradesh with due deliberations in the matter and the valuable efforts offered by the Officers of the concerned Energy Departments and also the learned counsel appearing for the Appellant and the Respondents for arriving at an amicable settlement in the matter and giving finality to the resolution of the instant dispute between the two States with a view to safeguard the interest of the consumers of the two States. Therefore, this Tribunal is indebted to the valuable inputs offered by the respective States. We place our appreciation for them on record.

**IA NO. 111 OF 2014 IN
APPEAL NO. 59 OF 2014**

In view of Appeal No. 59 of 2014 being disposed of, on account of which, the relief sought in IA No. 111 of 2014 does not survive for consideration as having become infructuous and, hence, stands disposed of.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

√ **REPORTABLE**

vt/pk