

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

**APPEAL NO. 162 OF 2015 & IA NOs. 260 & 314 OF 2015 &
IA NO. 109 OF 2016**

Dated: 11th March, 2016

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

In the matter of:-

Adani Power Maharashtra Ltd.Appellant(s)
Versus
Maharashtra Electricity Regulatory Commission &Anr.Respondent(s)

Counsel for the Appellant(s) : Mr. Amit Kapur
Ms. Poonam Verma
Mr. Gaurav Dudeja

Counsel for the Respondent(s) : Mr. Buddy A Ranganadhan
Mr. Raghu Vamsy for R-1

Ms. Deepa Chawan
Mr. Nirav Shah
Ms. Ramni Taneja for R-2

ORDER

We have heard learned counsel for the parties at some length on the interim application for stay. We notice that certain submissions, which are advanced before us by the appellant's counsel, were not pleaded in the petition filed before State Commission. It is the case of the appellant that they were raised in the written submissions filed before the State Commission. In the circumstances it may not be possible for us to deal with those submissions. At this stage, Mr. Amit Kapur, learned counsel for the appellant, submits that he will withdraw this appeal and file a fresh petition before the State Commission raising all the necessary points and liberty may be granted to that effect. Our attention is also drawn to an email addressed by the Solicitors of

Respondent No.2 – Maharashtra State Electricity Distribution Company Limited (“**MSEDCL**”) to the counsel for the appellant, which states that since this interim application is partly heard, Respondent No.2-MSEDCL has been instructed not to take any coercive action in respect of the pending bills or any subsequent bills till hearing of this interim application by this Tribunal.

In the circumstances, we permit Mr. Kapur, learned counsel for the appellant to withdraw the appeal and file fresh petition before the State Commission raising all the necessary points. This is, of course, without expressing any opinion on the merits of the case of either parties. We direct Respondent No.2-MSEDCL that though bills may be raised no coercive steps may be taken in respect of pending bills against the appellant till the disposal of the fresh petition by the State Commission in tune with the email addressed by Solicitors of Respondent No.2-MSEDC to the counsel for the appellant which we have referred to hereinabove.

Mr. Amit Kapur, learned counsel for the appellant states that fresh petition will be filed before the State Commission within a period of two weeks and copy thereof will be served on the respondents. Considering the issues involved, we direct the State Commission to dispose of the fresh petition which will be filed by the appellant as expeditiously as possible and in any case within a period of four months from the date of filing of the said petition by the appellant before it. We also make it clear that this order should not be interpreted to mean that we have expressed any opinion either in favour of the appellant or any other party. We leave all the contentions open as we have not expressed any opinion on any of them. The State Commission is free to deal with those contentions independently and in accordance with law. Needless to say that all bills raised by Respondent No.2-MSEDCL will abide by the final order that will be passed by the State Commission in the fresh petition.

With the above observations, the appeal is disposed of as withdrawn. In view of the disposal of the appeal, all interim applications stand disposed of.

(I.J. Kapoor)
Technical Member
ts/dk

(Justice Ranjana P. Desai)
Chairperson