

**Appellate Tribunal for Electricity**  
**(Appellate Jurisdiction)**

**Appeal No.83 of 2014 AND IA NO.153 of 2014**

**Dated:21<sup>st</sup> July, 2014**

**Present:**

**HON'BLE MR. JUSTICE M KARPAGA VINAYAGAM, CHAIRPERSON  
HON'BLE MR. RAKESH NATH, TECHNICAL MEMBER**

**In the Matter of:**

1. Transmission Corporation of Andhra Pradesh Ltd.,  
rep. by the Chairman and Managing Director,  
Vidyut Soudha, Khairatabad,  
HYDERABAD, Andhra Pradesh
2. Central Power Distribution Company of  
Andhra Pradesh Ltd.,  
rep. by the Chairman and Managing Director,  
Corporate Office, 6-1-50, Mint Compound,  
HYDERABAD – 500 063, Andhra Pradesh
3. Southern Power Distribution Company of  
Andhra Pradesh Ltd.,  
rep. by the Chairman and Managing Director,  
Renigunta Road,  
TIRUPATI – 517 501, Andhra Pradesh.
4. Northern Power Distribution Company of  
Andhra Pradesh Ltd.,  
Rep. by its Chairman and Managing Director,  
1-1-504, Chaitanyapuri, Hanamkonda,  
WARANGAL – 506 004, Andhra Pradesh

5. Eastern Power Distribution Company of  
Andhra Pradesh Ltd.,  
rep. by Chairman and Managing Director,  
P & T Colony, Seethammadhara,  
VISAKHAPATNAM – 530013  
Andhra Pradesh

.....Appellant(s)

**VERSUS**

1. M/s SLS Power Limited,  
Rep. by its Director,  
No.30, 14<sup>th</sup> Cross, 2<sup>nd</sup> Phase, 2<sup>nd</sup> Stage  
West of Chord Road,  
Mahalakshmpuram,  
BANGALORE – 560 086
2. Biomass Energy Developers Association,  
Rep. by its Vice President,  
6-2-913/914, Progressive Towers,  
Khairatabad,  
HYDERABAD, Andhra Pradesh
3. M/s.Suryateja Power Projects Ltd.,  
Rep. by its Managing Director,  
Giri Sikara Apartments, Flat No.A3,  
6-3-600/2/B, Padmavathi Nagar,  
Khairatabad,  
HYDERABAD, Andhra Pradesh
4. M/s.Balaji Agro Oils Ltd.,  
Rep. by its Managing Director,

74-2-19, Old Checkpost Centre,  
Krishna Nagar,  
VIJAYAWADA, Andhra Pradesh

5. M/s.Gowthami Bio Energies Pvt. Ltd.,  
Rep. by its Managing Director,  
E-506, Keerti Apartments, Ameetpet,  
HYDERABAD, Andhra Pradesh
6. M/s. Gowthami Solvent Oils Pvt. Ltd.,  
Rep. by its Managing Director,  
Post Box No.7, Pydiparru,  
TANUKU, West Godavari District,  
Andhra Pradesh
7. M/s. Indur Green Power Pvt. Ltd.,  
Rep. by its Managing Director,  
NSL Icon, Plot No.1 to 4, 8-2-684/2/A,  
Road No.12, Banjara Hills,  
HYDERABAD, Andhra Pradesh
8. M/s.Jocil Ltd.,  
Rep. by its Managing Director,  
Box No.216, Arundelpet,  
GUNTUR – 522 002  
Andhra Pradesh.
9. M/s. Jyothi Bio Energy Ltd.,  
Rep. by its Managing Director,  
4<sup>th</sup> Floor, Mayank Towers,  
Raj Bhavan Road,  
HYDERABAD, Andhra Pradesh

10. M/s.Greenko Energies Pvt. Ltd.,  
Rep. by its Managing Director,  
Plot No.1071, Road No.44, Jubilee Hills,  
HYDERABAD, Andhra Pradesh
  
11. M/s.Sri Kalyani Agro Industries,  
Rep. by its Managing director,  
PRATHIPADU - 534 146  
West Godavari District,  
Andhra Pradesh
  
12. M/s.Matrix Power Pvt. Ltd.  
rep. by the Managing Director,  
8-2-269/3/1, No.257, Road No.2,  
Banjara Hills, HYDERABAD – 500 034  
Andhra Pradesh
  
13. M/s.My Home Power Ltd.,  
Rep. by its Managing Director,  
My Home Hub, 3<sup>rd</sup> Block, 5<sup>th</sup> Floor,  
Hi Tech City, Madhapur,  
HYDERABAD, Andhra Pradesh
  
14. M/s.Om Shakti Renergies Ltd.,  
Rep.by its Managing Director,  
Plot No.1115, Road No.54, Jubilee Hills,  
HYDERABAD, Andhra Pradesh
  
15. M/s.Perpetual Energy Systems Ltd.,  
Rep. by the Managing Director,  
NSL Icon, Plot No.1, 4<sup>th</sup> Floor, 8-2-684/2/A,  
Road No.12, Banjara Hills,  
HYDERABAD, Andhra Pradesh

16. M/s.Ritwik Power Projects Ltd.,  
Rep. by its Director,  
Flat No.201, Plot No.20,  
Sri Chaitanya Residency,  
Sagar Society, Road No.2,  
Banjara Hills, HYDERABAD – 500 034,  
Andhra Pradesh
  
17. M/s.Roshini Powertech Ltd.,  
Rep. by its Managing Director,  
Plot No.1071, Road No.44,  
Jubilee Hills,  
HYDERABAD, Andhra Pradesh
  
18. M/s.Satyamaharshi Power Corpn. Ltd.,  
Rep. by its Director,  
Flat No.202, Plot No.20,  
Sri Chaitanya Residency, Sagar Society,  
Road No.2, Banjara Hills,  
HYDERABAD, Andhra Pradesh
  
19. M/s.Shalaivahana Green Energy Ltd.,  
Rep. by its Managing Director,  
7<sup>th</sup> Floor, Minerva Complex, S.D. Road,  
SECUNDERABAD, Andhra Pradesh
  
20. M/s.Shree Papers Ltd.,  
Rep. by its Executive Director,  
Post Box No.6, G.Ragampet,  
SAMALKOT – 533 440,  
East Godavari Dist.,  
Andhra Pradesh

21. M/s.Sree Rayalaseema Green Energy Ltd.,  
Rep.by its Managing Director,  
KPS Complex, Station Road,  
GOOTY – 515 402,  
Andhra Pradersh.
  
22. M/s.Satyakala Power Projects Pvt. Ltd.,  
Rep.by Managing Director,  
GANGURU – 521 139,  
Penamaluru Mandal,  
Krishna District, Andhra Pradesh
  
23. M/s.Saro Power & Infrastructure Ltd.,  
Rep. by its Managing Director,  
19-2-217/2, Mir Alam Tank Road,  
HYDERABAD – 500 064  
Andhra Pradesh
  
24. M/s.Suchand Powergen Pvt. Ltd.,  
Rep. by its Managing Director,  
309, Bachupally, Khurbullapur Mandal,  
HYDERABAD – 500 072,  
Andhra Pradesh
  
25. M/s.Veeraiah N.C. Power Projects Ltd.,  
Rep. by its Managing Director,  
KURUMADDALI – 511 157,  
Pamarru Mandal,  
Krishna District,  
Andhra Pradesh

26. M/s.Velagapudi Power Generation Ltd.,  
Rep. by Managing Director,  
74-2-12A, Ashok Nagar,  
VIJAYAWADA – 520 007,  
Andhra Pradesh
27. M/s.Varam Power Projects Ltd.,  
Rep by its Managing Director,  
8-4-120/3, Raja Complex, G.T. Road,  
SRIKAKULAM – 532 001  
Andhra Pradesh
28. M/s.Vijaya Agro Products Pvt. Ltd.  
Rep.by its Managing Director  
Enikepadu 521 108,  
Vijayawada,  
Andhra Pradesh
29. The South Indian Sugar Mills Association,  
Rep. by its Secretary,  
5-9-22/69, Adarshnagar,  
HYDERABAD,  
Andhra Pradesh
30. M/s Parrings Sugar Industries Ltd.,  
(formerly M/s GMR Technologies & Industries Ltd.)  
Rep. by its Managing Director,  
Sankali Village, R.Amudalavalasa Mandal,  
Srikakulam District, Andhra Pradesh
31. M/s. Jeypore Sugar Company Ltd.,  
Rep. by its Managing Director,  
Ramakrishna Building,  
239, Annasalai , Chennai-600 006

32. M/s Sagar Sugars & Allied Products  
rep. by the Managing Director,  
Rayala Towers, 1<sup>st</sup> Floor,  
158, Anna Salai, CHENNAI – 600 002
33. M/s Ganapathi Sugars,  
Rep. by its Managing Director,  
Post Box No.29, Kulbgoor/Fasalwadi Village,  
SANGAREDDY – 502 294  
Medak District,  
Andhra Pradesh
34. M/s Gayatri Sugars,  
Rep. by its Managing Director,  
B-2, 2<sup>nd</sup> floor, 6-3-1010, TSR Towers,  
Rajbhavan Road, Somajiguda,  
HYDERABAD, Andhra Pradesh
- 35 M/s Navabharat Ventures Limited,  
Rep.by its Managing Director,  
SAMALKOT – 533 440,  
East Godavari Dist, Andhra Pradesh
36. M/s.Sardar Power Private Limited,  
Rep. by its Managing Director,  
104, Swarganivas Enclave, 71-619/A,  
East Srinivas Nagar, Ameerpet,  
HYDERABAD, Andhra Pradesh
37. M/s.K.M. Power Private Limited,  
Rep.by its Managing Director,  
6-3-883/3, 1<sup>st</sup> Floor, R.K.Plaza,  
Panjagutta, HYDERABAD, AP

38. M/s.PMC Power Pvt. Ltd.,  
Rep. by its Managing Director,  
10-3-152/B 203, East Marredpally,  
SECUNDERABAD,  
Andhra Pradesh
39. M/s.Manihamsa Power Projects Ltd.,  
Rep. by its Managing Director,  
Maphar Anurag Apartments, Flat No.402,  
11-4-636/1 & 2, A.C. Guards,  
HYDERABAD,  
Andhra Pradesh
40. M/s.Srinivasa Power Pvt. Ltd.,  
Rep. by its Managing Director,  
7-1-619/A/11/A, Sri Srinivasa Enclave,  
Flat G1, Gayathri Nagar,  
HYDERABAD,  
Andhra Pradesh
41. M/s.Bhavani Hydro Power Projects Ltd.,  
Rep. by its Managing Director,  
6-3-347/17/5, Dwarakapuri Colony,  
Panjagutta, HYDERABAD – 500 082,  
Andhra Pradesh
42. M/s.NCL Industries Ltd.,  
Rep. by Managing Director,  
Plot No.150, NCL Enclave, Petbasheerabad,  
HYDERABAD – 500855  
Andhra Pradesh

43. M/s.Kallam Brothers Cottons (P) Ltd.,  
Rep. by Managing Director,  
D.No.160-B, Dhulipalla (V),  
Sattenapalli (M), GUNTUR – 522 412,  
Andhra Pradesh
  
44. M/s.Saraswathi Power & Industries Pvt. Ltd.,  
Rep. by its Managing Director  
8-2-269/4/B, Road No1, Banjara Hills,  
HYDERABAD,  
Andhra Pradesh
  
45. M/s. K.C.P. Sugar & Industries Corpn. Limited,  
Rep. by its Asstt. General Manager  
“Ramakrishna Buildings”,  
No. 239, Anna Salai,  
Chennai-600 006
  
46. M/s. Nizam Deccan Sugars Limited,  
Rep. by its Chief Executive Officer  
6-3-570/1, 201, Diamond Block,  
Rock Dale Compound,  
Somajiguda, Hyderabad, Andhra Pradesh
  
47. M/s. Empee Power Company (India) Limited,  
Rep. by its Vice-President  
Ayyappareddypalm,  
Naidupet Mandal,  
SPSR Nellore District,  
Andhra Pradesh
  
48. Small Hydro Power Developers Association,  
Rep. by the Secretary, 6-3-347/17/5,  
Dwarakapuri Colony, Pangagutta,

Hyderabad, Andhra Pradesh

49. M/s. Agri Gold Power Group  
Rep. by its Managing Director,  
40-1-21/2, 2<sup>nd</sup> Floor,  
Catholic Complex, M.G. Road,  
Vijayawada, Andhra Pradesh
  
50. M/s. Matrix Power Ltd.,  
Rep. by the Managing Director,  
8-2-269/3/1, No. 257, Road No. 2  
Banjara Hills,  
HYDERABAD, Andhra Pradesh
  
51. M/s. GMR Industries Ltd.,  
Rep. by the Managing Director,  
6-3-866/868, Greenlands,  
Begumpet,  
HYDERABAD,  
Andhra Pradesh
  
52. M/s Balaji Energy Pvt. Ltd.  
Rep. by the Director,  
1-2-234/13/37 & 38,  
Arvind Nagar Colony,  
Domalguda,  
HYDERABAD  
Andhra Pradesh
  
53. M/s. Kakatiya Cement Sugar and  
Industries Limited,  
Rep. by its Managing Director,  
1-10-140/1, Gurukrupa, Ashok Nagar,  
HYDERABAD

Andhra Pradesh

54. M/s. Bollineni Castings & Steel Ltd.,  
Rep. by its Managing Director,  
6-2-913/914, 1<sup>st</sup> Progressive Towers,  
Khairatabad,  
HYDERABAD,  
Andhra Pradesh
55. M/s. Agri Gold Projects Ltd.,  
Rep. by its Managing Director,  
Agri Gold House # 40-6-3, 4<sup>th</sup> Floor,  
Hotel Murali Fortune Lane, Labbipet,  
M.G. Road,  
VIJAYAWADA - 520 010  
Andhra Pradesh
56. M/s. Rethwik Energy Systems Limited  
Rep. by its Managing Director,  
Agri Gold House # 40-6-3, 4<sup>th</sup> Floor,  
Hotel Murali Fortune Lane, Labbipet,  
M.G. Road,  
VIJAYAWADA 520 010  
Andhra Pradesh
57. M/s. Clarion Power Corporation Limited  
Rep. by its Managing Director,  
Agri Gold House # 40-6-3, 4<sup>th</sup> Floor,  
Hotel Murali Fortune Lane, Labbipet,  
M.G. Road,  
VIJAYAWADA 520 010  
Andhra Pradesh

58. M/s.Active Power Corporation Ltd  
Reg. off: plot no 76, Road No:70,  
Ashwini layout, HUDA heights,  
Jubilee hills, Hyd-500033.
59. M/s. Kallam Spinning Mills,  
Chowdavaram, Guntur- 522019
60. M/s Blue Ocean Biotech Ltd  
(M/s Vensa Biotek Ltd)  
Door.No. 4-325, Ragampet,  
Post Box.No. 27, Samalkot,  
East Godavari District,  
AP, Pin Code No. 533 440
61. M/s Sai Renewable Power Pvt. Ltd.,  
Regd office: 6-3-668/10/4,  
Durga Nagar Colony,  
Punjagutta, Hyderabad-500 082
62. M/s 3 F Industries Limited,  
1st floor, 6-3-569/2, Rockdale,  
Somajiguda, Hyderabad-500082.
63. M/s SLT Power & Infrastructure Projects (P). Ltd.,  
501, Soundarya Residency,  
Street no. 8, Himayatnagar,  
Hyderabad.
64. M/s Raus Power (P) Limited.,  
Sy. No.197/2, 199 #200,  
Duppalapudi village,  
Anaparthi Mandal, E.G.Dist, 533342

65. M/s Shravana Power Pvt Ltd,  
H.No. 96/2RT, Prakash Nagar,  
Begumpet, Hyderabad, 500016
66. Andhra Pradesh Electricity Regulatory  
Commission, rep.by the Secretary,  
4<sup>th</sup> and 5<sup>th</sup> Floor, Singareni Bhavan,  
Red Hills, Hyderabad,  
Andhra Pradesh
67. Indian Renewable Energy Development  
Agency, rep. by its Managing Director,  
Indian Habitat Centre, Eastern Core,  
Core-4A, 1<sup>st</sup> Floor, Lodhi road,  
NEW DELHI – 110 003
68. Non Conventional Energy Development  
Corporation of Andhra Pradesh Ltd.,  
rep. by the Managing Director,  
5/8-207/2, Paigah Complex, Nampally  
HYDERABAD – 500 001  
Andhra Pradesh
69. The Government of Andhra Pradesh,  
Rep. by the Principal Secretary,  
Energy Department, Secretariat,  
HYDERABAD, Andhra Pradesh

.....Respondent(s)

**Counsel for the Appellant (s) : Mr. A.Subba Rao  
Mr. K.L.D.S Vinober**

**Counsel for the Respondent(s) :Mr. Anand K Ganesan  
Mr. Swapna Seshadri for R.1, 37-44, 49, 55-57  
Mr. Gopal Choudary for R-2 to R-13, R-15  
to R-19, R-21 to R-23, R-25, R-27 to R-28, R-36 & R-54  
Mr. Rambabu**

Mr. Challa Guna Ranjan for R-35 to 43  
Mr. K.V.Mohan  
Mr. K.V. Balakrishnan for APERC  
Mr. Challa Guna Ranjan  
Mr. Mullapudi Rambabu for R.37 to 47

**Appeal No.84 of 2014 AND IA NO.154 of 2014**

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... ..Appellant(s)

## VERSUS

1. M/s SLS Power Limited,  
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No.30, 14<sup>th</sup> Cross, 2<sup>nd</sup> Phase, 2<sup>nd</sup> Stage  
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My Home Hub, 3<sup>rd</sup> Block, 5<sup>th</sup> Floor,  
Hi Tech City, Madhapur,  
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Andhra Pradesh

17. M/s Gayatri Agro Industries Ltd.,  
247, 3<sup>rd</sup> Floor, Dwarakapuri Colony  
Panjagutta,  
HYDERABAD  
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East Godavari Dist.,  
Andhra Pradesh
  
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KPS Complex, Station Road,  
GOOTY – 515 402,

Andhra Pradesh.

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Rep.by Managing Director,  
GANGURU – 521 139,  
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SRIKAKULAM – 532 001  
Andhra Pradesh
  
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Rep.by its Managing Director

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Vijayawada,  
Andhra Pradesh

28. M/s. Bollineni Castings & Steel Ltd.,  
Rep. by its Managing Director,  
6-2-913/914, 1<sup>st</sup> Progressive Towers,  
Khairatabad,  
HYDERABAD,  
Andhra Pradesh
29. M/s. Agri Gold Power Group  
Rep. by its Managing Director,  
40-1-21/2, 2<sup>nd</sup> Floor,  
Catholic Complex, M.G. Road,  
Vijayawada, Andhra Pradesh
30. M/s. Clarion Power Corporation Limited  
Rep. by its Managing Director,  
Agri Gold House # 40-6-3, 4<sup>th</sup> Floor,  
Hotel Murali Fortune Lane, Labbipet,  
M.G. Road,  
VIJAYAWADA 520 010  
Andhra Pradesh
31. M/s Sai Renewable Power Pvt. Ltd.,  
Regd office: 6-3-668/10/4,  
Durga Nagar Colony,  
Punjagutta, Hyderabad-500 082
32. M/s 3 F Industries Limited,  
1st floor, 6-3-569/2, Rockdale,  
Somajiguda, Hyderabad-500082.

33. M/s Raus Power (P) Limited.,  
Sy. No.197/2, 199 #200,  
Duppalapudi village,  
Anaparthi Mandal, E.G.Dist, 533342
34. M/s Shravana Power Pvt Ltd,  
H.No. 96/2RT, Prakash Nagar,  
Begumpet, Hyderabad, 500016
35. The South Indian Sugar Mills Association,  
Rep. by its Secretary,  
5-9-22/69, Adarshnagar,  
HYDERABAD, Andhra Pradesh
36. M/s Parrys Sugar Industries Ltd.,  
(formerly M/s GMR Technologies & Industries Ltd.)  
Rep. by its Managing Director,  
Sankali Village, R.Amudalavalasa Mandal,  
Srikakulam District, Andhra Pradesh
37. The Jeypore Sugar Company Ltd.,  
Rep. by its Managing Director,  
Ramakrishna Building,  
239, Annasalai  
CHENNAI – 600 006
38. M/s Sagar Sugars & Allied Products  
rep. by the Managing Director,  
Rayala Towers, 1<sup>st</sup> Floor,  
158, Anna Salai, CHENNAI – 600 002
39. M/s Ganapathi Sugars,  
Rep. by its Managing Director,  
Post Box No.29, Kulbgoor/Fasalwadi Village,

SANGAREDDY – 502 294  
Medak District, Andhra Pradesh

40. M/s Gayatri Sugars,  
Rep. by its Managing Director,  
B-2, 2<sup>nd</sup> floor, 6-3-1010, TSR Towers,  
Rajbhavan Road, Somajiguda,  
HYDERABAD, Andhra Pradesh
41. M/s Navabharat Ventures Limited,  
Rep. by its Managing Director,  
SAMALKOT – 533 440,  
East Godavari Dist, Andhra Pradesh
42. M/s. K.C.P. Sugar & Industries Corpn. Limited,  
“Ramakrishna Buildings”,  
No. 239, Anna Salai,  
Chennai-600 006  
Rep. by its Asstt. General Manager
43. M/s. Nizam Deccan Sugars Limited,  
Having its Office at 6-3-570/1, 201,  
Diamond Block, Rock Dale Compound,  
Somajiguda,  
Hyderabad, Andhra Pradesh
44. M/s. Empee Power Company (India) Limited,  
Ayyappareddypalm,  
Naidupet Mandal, SPSR  
Nellore District, Andhra Pradesh
45. M/s. Kakatiya Cement Sugar and  
Industries Limited,  
Rep. by its Managing Director,  
1-10-140/1, Gurukrupa, Ashok Nagar,

Hyderabad, Andhra Pradesh

46. Andhra Pradesh Electricity Regulatory Commission, rep.by the Secretary, 4<sup>th</sup> and 5<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad, Andhra Pradesh
47. Indian Renewable Energy Development Agency, rep. by its Managing Director, Indian Habitat Centre, Eastern Core, Core-4A, 1<sup>st</sup> Floor, Lodhi road, NEW DELHI – 110 003
48. Non Conventional Energy Development Corporation of Andhra Pradesh Ltd., rep. by the Managing Director, 5/8-207/2, Paigah Complex, Nampally HYDERABAD – 500 001 Andhra Pradesh
49. The Government of Andhra Pradesh, Rep. by the Principal Secretary, Energy Department, Secretariat, HYDERABAD, Andhra Pradesh

.....Respondent(s)

**Counsel for the Appellant (s) : Mr. A.Subba Rao**

**Counsel for the Respondent(s) : Mr. Swapna Seshadri for R.1, 16, 29-31  
Mr. Gopal Choudary for R-2 to R-13, R-15  
to R-19, R-21 to R-23, R-25, R-27 to R-28,  
R-36 & R-54  
Mr. K.V.Mohan  
Mr. K.V. Balakrishnan for R-46  
Mr. Challa Guna Ranjan  
Mr. Mullapudi Rambabu for R-35 to R-44**

## **ORDER**

**PER HON'BLE MR. JUSTICE M. KARPAGA VINAYAGAM,  
CHAIRPERSON**

1. Since the Issue is common in both these Appeals, a common order is being passed in these Appeals.
2. The Appellants in these Appeals have questioned the Orders passed by the State Commission on 22.6.2013 and 6.8.2013 respectively.
3. The main ground urged by the learned Counsel for the Appellants is that these Impugned Orders ought not to have been passed by the State Commission on the basis of the Remand Order passed by this Tribunal since, the Appellants have already filed Civil Appeals before the Hon'ble Supreme Court as against the said judgment rendered by this Tribunal dated 20.12.2012 and the Review Order dated 30.4.2013 which have been admitted.
4. Since we entertained a doubt with regard to the maintainability of the Appeals, we issued notices to the Respondents to hear regarding the maintainability.

5. Accordingly, the Respondents appeared and filed a reply stoutly opposing the Appeals on the ground that these Appeals were not maintainable.
6. According to them, merely because the Appellants have filed the Appeals in the Hon'ble Supreme Court as against the Tribunal's judgment and Review Order and the same were admitted without granting stay, the State Commission cannot be denuded of its jurisdiction to pass a consequential order in terms of the Remand Order passed by this Tribunal and as such, the Impugned Orders dated 22.6.2013 and 6.8.2013 cannot be questioned before this Tribunal in these Appeals.
7. We have heard the learned Counsel for the parties.
8. Admittedly, these Impugned orders dated 22.6.2013 and 6.8.2013 have been passed by the State Commission only in pursuance of the directions issued by this Tribunal through the judgment dated 20.12.2012 and the Review Order dated 30.4.2013.
9. It is true that they have filed Civil Appeals before the Hon'ble Supreme Court against the judgment and Remand Order passed by this Tribunal and the same are pending before the Hon'ble Supreme Court. Even though the stay Application was filed, the interim relief has not been granted.

10. On the other hand, the Hon'ble Supreme Court directed the Appellant to make the payment of tariff as determined by the State Commission. As such, there is no stay order passed by the Hon'ble Supreme Court directing the State Commission not to proceed with the proceedings which resulted in the Impugned Orders dated 22.6.2013 and 6.8.2013.
11. As a matter of fact, the Appellants as against these Impugned Orders have earlier filed SLP before the Hon'ble Supreme Court but the Hon'ble Supreme Court declined to grant the leave. Therefore, the Appellant withdrew the Petition which was dismissed as withdrawn and filed these present Appeals.
12. It is also noticed that the Appellants filed the Application earlier before the State Commission praying for deferring the hearing in the remand proceedings on the ground that the Appeals were admitted in the Hon'ble Supreme Court.
13. The State Commission correctly dismissed the said Application and proceeded with the inquiry in order to comply with the remand order passed by this Tribunal.

14. It is strenuously contended by the Respondent that if this Appeal was entertained, it would be an undue interference with the proceedings before the Hon'ble Supreme Court in the Civil Appeals where the interim relief was not granted in favour of the Appellants and on the other hand, the Appellants were directed to make the payment of tariff as determined by the State Commission.
15. We find force in this submission.
16. As indicated above, both the Impugned Orders have been passed by the State Commission only in pursuance of the directions of this Tribunal given in the judgment dated 20.12.2012 and Review Order dated 30.4.2013 in obedience to the said direction.
17. If these Appeals are entertained, then it would amount to questioning our own Order of remand. When the Appeals as against our judgment dated 20.12.2012, is subject matter of the Appeal in the Hon'ble Supreme court, these Appeals cannot be entertained since the Impugned Orders have been passed only on the basis of this Tribunal judgment and Order.

18. Therefore, upholding the objections raised by the Respondent, we hold that these Appeals are not maintainable.

19. Accordingly, the same are dismissed as not maintainable.

**(Rakesh Nath)**  
**Technical Member**  
Dated:21<sup>st</sup> July, 2014

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**

✓ ~~REPORTABLE/NON-REPORTABLE~~