

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

ORDER IN APPEAL NO. 106 OF 2015
ON THE FILE OF THE APPELLATE
TRIBUNAL FOR ELECTRICITY, NEW DELHI

Dated: 24th October, 2018

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

In the matter of:

M/s India Power Corporation Limited,
Through its Authorised Signatory,
Plot X-1, 2 & 3, Block EP,
Sector-V, Salt Lake City,
Kolkata – 700 091.

..... Appellant(s)

Versus

1. Haryana Electricity Regulatory Commission,
Through its Secretary,
Bay 33-36, Sector-4,
Panchkula-134112,
Haryana

2. Dakshin Haryana Bijli Vitran Nigam Limited,
Through its General Manager,
Vitran Nigam Limited,
Vidyut Sadan,
Vidyut Nagar, Hisar-125005,
Haryana

3. Haryana Environmental Management Society
Through its Authorised Signatory,
SCO-45, 1st Floor Section-31,
Huda Market, Gurgaon – 122001. Respondent(s)

Counsel for the Appellant(s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Hemant Singh
Mr. Lakhyajit Singh

Counsel for the Respondent(s) : Mr. G. Sai Kumar
Ms. Nikita Choukse for R-2

Mr. Buddy A. Ranganadhan
Mr. Hasan Murtaza for R-3

ORDER

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

1. The learned counsel, Mr. Hemant Singh, appearing for the Appellant has filed a memo dated 24.10.2018 on behalf of the Appellant and the same was taken on record and further prayed that the present appeal may kindly be disposed off in terms of the statement made in the memo.

2. We have heard learned senior counsel, Mr. Sanjay Sen, appearing for the Appellant and Mr. G. Sai Kumar for Respondent No.2.

3. Learned senior counsel, Mr. Sanjay Sen, appearing for the Appellant, at the outset submitted that in terms of the statement made in the memo dated 24.10.2018, may be placed on record and the instant appeal may be disposed of in the interest of justice and equity.

4. Per contra, learned counsel , Mr. G.Sai Kumar, appearing for the Respondent No.2 fairly submitted that the terms and conditions of the memo filed by the Appellant dated 24.10.2018 may be placed on record and in the light of the submissions made by the learned senior counsel appearing for the Appellant, as stated above, the instant appeal may be disposed of.

5. Submissions made by the learned counsel appearing for the Appellant and learned counsel appearing for the second Respondent, as stated above, are placed on record.

6. The memo on behalf of the Appellant filed on 24.10.2018 reads thus:-

- a. Giving liberty to the Appellant to file a fresh application for a parallel distribution license in Gurgaon Municipal Corporation Area (presently Gurugam);
- b. The Respondent Commission shall dispose off the above fresh application for grant of parallel distribution license in accordance with law, by taking into consideration the provisions of The Distribution of Electricity Licence (Additional Requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules,

2005 framed by the Central Government and the judgments delivered by this Hon'ble Tribunal from time to time.

c. The Respondent Commission will not be influenced by any findings and observations contained in the impugned order.

7. In the light of the submissions made by the learned senior counsel appearing for the Appellant and learned counsel appearing for the second Respondent and in terms of the statement made in the memo dated 24.10.2018 and for the reason stated therein, as stated supra, the instant appeal stands disposed off reserving liberty to the Appellant to redress his grievance before the Respondent

8. All the contentions of the parties are left open.

9. With these observations, the instant Appeal filed by the Appellant, being Appeal No. 106 of 2015, stands disposed of.

10. Order accordingly.

(S.D. Dubey)
Technical Member
Pr/pk

(Justice N.K. Patil)
Judicial Member