

COURT-I

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

**IA NO. 36 OF 2019 IN
APPEAL NO. 22 OF 2019 &
IA NO. 1483 OF 2018**

Dated : 30th April , 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

TANGEDCO

...Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s) : Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. S. Vallinayagam
Mr. Geet Ahuja
Ms. S. Amali

Counsel for the Respondent(s) : Mr. Sanjay Sen, Sr. Adv
Mr. Hemant Singh
Mr. Nishant Kumar for R-2

ORDER

IA NO. 36 OF 2019

(For payment of change in law compensation)

Heard Mr. Basava Prabhu S. Patil, learned senior counsel for the Appellant and Mr. Sanjay Sen, learned senior counsel for the Respondent on the affidavit of the appellant dated 12/04/2019 filed on 15/04/2019. In terms of order dated 25/03/2019, we directed appellant to pay 50% of the amount claimed by the Respondent Generating Company towards change in law compensation.

In terms of the affidavit mentioned above, according to appellant the change in law compensation works out to 112.88 crores as on 31/12/2018.

They have also undertaken at para 4 of the affidavit to make payment of 50% out of 112.88 crores to Respondent Generating Company in 8 equal monthly instalments commencing from May, 2019 onwards which would end in December, 2019. This is on the plea of financial crunch to mobilise funds according to appellant which of course is seriously contested by Respondent.

We assume, the difference/disputed amount seems to be about 22 crores till December, 2018 (change in law compensation) which can be considered at the time of final hearing of the appeal on merits. Meanwhile, appellant shall abide by the commitment or undertaking given in the form of affidavit. All contested issues are kept open.

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Respondent Generating Company shall, meanwhile, file reply to the main appeal within four weeks' time i.e. on or before 28.05.2019 with advance copy to the other side. Rejoinder may be filed within two weeks' thereafter i.e. on or before 11.06.2019 with advance copy to the other side.

As agreed by the learned counsel for both the parties, list the matter on **09.07.2019.**

(S. D. Dubey)
Technical Member
Js/ss

(Justice Manjula Chellur)
Chairperson