

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

IA Nos.-385/12 & 400/12 in DFR-2063/12 in Appeal No.163 of 2008

Dated: 12th December, 2012

**Present: Hon'ble Mr. Justice P.S. Datta, Judicial Member
Hon'ble Mr. V. J. Talwar, Technical Member**

In the matter of:

Govt. of Punjab Deptt. of Power Appellant (s)

Versus

**Punjab State Electricity Regulatory Commission & Ors.
.. . . . Respondent(s)**

Counsel for the Appellant(s) : Mr. Kuldip Singh, Advocate

**Counsel for the Respondent(s) : Ms. Jarklin and Mr. Sakesh Kumar
For R-1
Ms. Swagatika Sahoo for R-2**

ORDER

IA-385 of 2012 and IA-400 of 2012 in connection with appeal no.163 of 2008 are taken up for hearing.

Heard Mr. Kuldip Singh, learned advocate for the appellant in both the interolutory applications, Ms. Jarklin, learned advocate for the PSERC and Ms. Swagatika Sahoo, learned advocate for the PSPCL.

As to the prayer for condonation of delay, some grounds have been assigned in the petition and the learned advocate for the respondents do not raise any

objection to the condonation of delay. Accordingly, we condone the delay in filing the application for restoration under section 5 of the Limitation Act.

As to the restoration of appeal, we have also heard the learned counsel for the appellant and the learned counsels for the respondents do not raise any objection. Having regard to the principle of the provision of Order 41 Rule 19 of the CPC, we re-admit the appeal by recalling the order of dismissal of Appeal No.163 of 2008. Thus, both the applications are disposed of. No costs.

The Appeal No. 163 of 2008 is now taken up for hearing. Learned advocate, Mr. Kuldip Singh submits that the issue involved in this appeal is interest on subsidy and other amount receivable from the State Govt. but this issue has already been decided by this Tribunal in a batch of 10 Appeals being Nos. 57 of 2008, 155 of 2007, 125 of 2008, 45 of 2010, 40 of 2010, 196 of 2009, 199 of 2009, 163 of 2010, 6 of 2011 and 144 of 2010 on this issue. We have dismissed the said Appeals with certain observations. Learned advocate for the Commission and the learned advocate for the PSPCL also subscribe to this submission. We also feel that since the issue has already been decided by this Tribunal in the batch of 10 Appeals on 11.1.2012, the instant Appeal No.163 of 2008 has to meet the same fate and the discussions covered in the batch of 10 Appeals cover this Appeal. Accordingly upon hearing all the learned counsels, we dismiss the Appeal No.163 of 2008. No order as to cost.

(V.J. Talwar)
Technical Member

(P.S. Datta)
Judicial Member

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