

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 16 OF 2019 IN
APPEAL NO. 02 OF 2019 &
IA NO. 15 OF 2019

Dated: 26th February, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

DCM Shriram Limited

.... **Appellant(s)**

Vs.

Jaipur Vidyut Vitran Nigam Limited & Ors.

.... **Respondent(s)**

Counsel for the Appellant (s) : Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Mr. Ashwin Ramanathan
Ms. Neha Garg

Counsel for the Respondent (s) : Mr. Bipin Gupta for R-1

ORDER

(IA NO. 15 of 2019)

(Appl for exemption from filing certified copy of impugned order)

Heard the learned counsel, Ms. Swapna Seshadri, appearing for the Appellant and the learned counsel, Mr. Bipin Gupta, appearing for the first Respondent on IA No. 15 of 2019.

The counsel for the Appellant submitted that, in the light of her submission and the statement made in the instant IA, being No.15 of 2019, the same may kindly accepted and IA may kindly be allowed.

The submission of the counsel for the Appellant, as stated supra, is placed on record.

In the light of the submission of the counsel for the Appellant and the statement made in the IA No.15 of 2018 and the reasons stated therein, the same are accepted and IA is allowed, subject to production of certified copy of the impugned Order.

The counsel for the Appellant is directed to file the certified copy of the impugned Order within a period of eight weeks i.e. on or before 23.04.2019 in the Registry.

IA NO. 16 OF 2019
(For Stay)

The learned counsel, Ms. Swapna Seshadri, appearing for the Appellant submitted that, the Appellant has got the interim order benefits in the earlier proceedings, therefore, the interim reliefs sought for in the instant application may kindly be granted till disposal of the appeal in the interest of justice and equity.

Per-contra, the learned counsel, Mr. Bipin Gupta, appearing for the first Respondent, inter-alia, contended and submitted that, at least the Appellant may be directed to pay 50% of the principal amount to the first Respondent subject to outcome of the result of the appeal otherwise the first Respondent will be in a great financial difficulty being a distribution company.

Submissions of the learned counsel for the Appellant and the first Respondent, as stated supra, are placed on record.

We have heard the counsel for the Appellant and the counsel for the first Respondent on IA No. 16 of 2019. After careful perusal of the statements made in the application filed by the Appellant and the reply filed by the first Respondent and after careful perusal of the impugned Order dated 25.10.2018, we, prima-facie, find that the matter requires consideration keeping in view the facts and circumstances of the case, as stated above.

Stay the operation and execution of the impugned Order dated 25.10.2018 passed in Petition No. RERC-476/14 by the Rajasthan Electricity Regulatory Commission, Jaipur until further orders subject to payment of Rs. 1.0 crore (Rupees One Crore) by the Appellant/DCM Shriram Ltd to the first Respondent/Jaipur Vidyut Vitran Nigam Limited within a period of four weeks from today i.e. on or before 26.03.2019.

Interim Order granted earlier by this Tribunal stands vacated till further orders.

APPEAL NO. 02 OF 2019

The counsel for the first Respondent prays for four weeks time to file his reply in this case.

The counsel for the Appellant also prays for one week time thereafter to file her rejoinder to the reply to be filed by the counsel for the first Respondent.

Submissions of the counsel for the first Respondent and the Appellant, as stated supra, are placed on record.

The counsel for the first Respondent is permitted to file his reply in this case on or before 26.03.2019, after duly serving copy to the counsel for the Appellant.

The counsel for the Appellant is also permitted to file the rejoinder to the reply to be filed by the counsel for the first Respondent on or before 02.04.2019, after duly serving copy to the counsel for the first Respondent.

List the matter on **08.04.2019**, as agreed by the learned counsel for the Appellant and the first Respondent.

(Ravindra Kumar Verma)
Technical Member
vt/ss

(Justice N.K. Patil)
Judicial Member