

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 129 of 2013, IA No. 195 of 2013,
IA No. 196 of 2013, IA No. 202 of 2013

Dated : 14th June, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

M/s. Bhilangana Hydro Power Ltd. Appellant(s)

Versus

**Power Transmission Corporation of
Uttrakhand Ltd. & Ors. ... Respondent(s)**

Counsel for the Appellant(s) : Ms. Shikha Ohri

Counsel for Respondent (s) : Mr. Sarul Jain
Ms. Geeta Malhotra
Ms. Kamal Kaul-(Rep) for R-1

ORDER

(IA No. 202 of 2013 for additional documents and for stay)

This Application in I.A. No. 202 of 2013 seeking for urgent interim order has been necessitated due to the demand notice which has been issued by the RespondentNo.1 i.e. Power Transmission Corporation of Uttrakhand Ltd. on 12.06.2013, calling upon the Appellant/applicant to pay the arrears within the time frame specified, despite the notice having been taken by the 1st Respondent in the Interim Application on 06.06.2013 seeking for the interim stay of the operation of the impugned order.

We are not happy over the conduct of the Respondent No.1 in hurriedly issuing demand notice dated 12.06.2013 when the Application for stay is pending consideration by the Tribunal after admission of the

Appeal. However, the Learned Counsel appearing for the Respondent No.1 tenders apology on behalf of the 1st Respondent for the said notice issued on the wrong understanding. Therefore, we do not want to pass any adverse remarks as against the Respondent No.1.

In view of the above development, this urgent application has been moved now during vacation. Hence, we wish to pass orders today itself in I.A. No. 195 of 2013 and I.A. No. 202 of 2013 for seeking stay.

Accordingly, we grant stay of the operation of the impugned order with a direction that no coercive action should be taken against the Appellant till the disposal of this Appeal. With these observations, the I.A. No. 195 of 2013 and I.A. No. 202 of 2013 are disposed of.

As directed earlier in the order dated 06.06.2013, the Respondent No.1 is directed to file reply in the main Appeal on or before 04.07.2013 after serving copy on the other side. Thereafter, Learned Counsel for the Appellant is at liberty to file rejoinder, if any, so that pleadings be completed.

Post the matter main Appeal for final hearing on **10.07.2013**.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

rkt/mk