

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

**Appeal No. 54 of 2014 &**  
**IA-205 of 2014**

**Dated : 26<sup>th</sup> May, 2014**

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

**Himachal Sorang Power Ltd.**

**... Appellant(s)**

**Versus**

**Central Electricity Regulatory  
Commission & Ors.**

**... Respondent(s)**

**Counsel for the Appellant(s):**

**Mr. Sitesh Mukherjee**  
**Mr. Aniket Prasoon**

**Counsel for the Respondent(s):**

**Mr. K.S. Dhingra for R.1**  
**Ms. Swapna Seshadri for R.2**

**ORDER**

**IA No. 205 of 2014**  
**(for compliance of the interim Order)**

We have passed an Order dated 27.03.2014 granting stay in I.A. No. 98 of 2014 subject to some conditions. Since some of the said conditions have not been complied with, the Respondent filed this Application seeking direction for full compliance of the Order dated 27.03.2014.

A Memo has been filed by the Respondent on 22.05.2014 stating that in the meantime, some proposals have been sent by the Appellant to the Respondent regarding the payments. On the basis of the said proposal now a Memo has been filed by the Respondent accepting the same on some terms. Para No. 5 of the Memo reads as follows:

*“The Management of the Respondent No.2 considered the proposal and has approved the same on the following terms:*

**Past Arrears**

<i>Upfront cash payment by 30.06.14</i>	<i>30% dues i.e. Rs. 5.74 Crore</i>
<i>Balance past arrears to be paid in intallments from July 2014 to December 2015</i>	<i>@ Rs. 0.85 Crore per month (Total of Rs. 15.30 Crore)</i>

**Current Dues**

- a. *Current dues must be paid by due date regularly.*
- b. *The Letter of Credit for a value of Rs.3.56 Crore ( 2.10 time the average billing as per the Regulation) shall be established by the Appellant latest by 10.06.2014.*
- c. *The monthly installment payment shall be payable latest by 15<sup>th</sup> of every month.*

- d. *Further, a late payment surcharge @ 1.5% per month is also payable on balance amount, in line with CERC POC Regulations.”*

In response to the Memo dated 22.05.2014, a reply Memo has been filed by the Appellant on 26.05.2014 accepting the said proposal, the relevant portion at Para Nos. 3 & 4 is as follows:

*“3. It is respectfully submitted that the Appellant is regretful for not being able to comply with a condition in the Stay Order requiring it to furnish a bank guarantee for 50% of the outstanding amount payable to Respondent No.1 as on 28.02.2014. However, the Appellant has discussed and worked out a proposal for full and final settlement of all the outstanding dues apart from the payment of current dues, in consultation with Respondent N.2 which is set out at para 5 of the memo.*

*4. The Appellant undertakes to continue making the payments to Respondent No.2 in terms of the said proposal on the understanding that all the payments by the Appellant to the Respondent No.2, in terms of the said proposal, will be made without prejudice to its right and contentions under the present appeal and will be subject to the final outcome of this appeal.”*

So in view of the above Statements made by both the parties, this Application is ordered. Accordingly, the stay Order will

continue in favour of the Appellant subject to the compliance of this Order.

The I.A. No. 205 of 2014 is accordingly, disposed of.

Post the main Appeal for hearing on **18.07.2014.**

**(Rakesh Nath)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**

ts/js