

**COURT-I**

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

**IA nos. 443 of 2013 & 203 of 2014  
in Appeal No. 333 of 2013**

**Dated : 28<sup>th</sup> May, 2014**

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

**Mumbai Grahak Panchayat  
Versus**

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

**Maharashtra Electricity Regulatory  
Commission & Ors.**

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

**Counsel for the Appellant(s) : Mr. Shirish V. Deshpande  
Mr. Varsha V. Raut (Reps.)**

**Counsel for the Respondent(s) : Mr. Buddy A. Rangandhan  
for R.1**

**ORDER**

**IA no. 203 of 2014  
(Appl. for stay)**

We have heard the learned counsel for the parties.

This is an Application filed by the Applicant for stay of the proceedings before the State Commission of Maharashtra seeking for the modification of the R-Infra tariff Order dated 22.08.2013, pending disposal of the present Appeal No. 333 of 2013.

The main ground urged by the Applicant/Appellant is that when the tariff Order dated 22.05.2013 is the subject matter of the Appeal No. 333 of 2013, which is still pending in this Tribunal, it is not proper for the

State Commission to entertain the Application filed by the Energy department of the Government seeking for modification of the said Order.

This is stoutly opposed by Mr. Buddy A. Ranganadhan, the learned counsel for the State Commission raising various grounds especially on the basis of the Regulation 51 & 52 and contending that this Petition is premature.

Though we find force in the contention of Mr. Buddy A. Ranganadhan, the learned counsel for the Commission, we feel that it would be appropriate to direct the State Commission to decide about the admissibility and maintainability of the petition seeking modification in the light of the Regulation 85-A of the conduct of business Regulation Rules as pointed out by the Appellant and decide the issue after hearing the parties. Since we also entertain some doubt about the admissibility of the Petition filed by the Energy Department, it is appropriate for the State Commission to give the clarification order on the issue in the light of the objection raised by the Appellant. The State Commission may dispose of the same after giving opportunity to the parties concerned as expeditiously as possible.

With these observations, the I.A. No. 203 of 2014 is disposed of.

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

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

Ts/js