

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

**Appeal No. 223 of 2012**  
**& I.A. No. 398 of 2012**

**Dated : 22nd November, 2012**

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson**  
**Hon'ble Mr. V.J. Talwar, Technical Member**

**AMR Power Pvt. Ltd.**

**... Appellant(s)**

**Versus**

**Karnataka Electricity Regulatory  
Commission & Anr.**

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

**Counsel for the Appellant(s) : Mr. Basava Prabhu S. Patil, Sr. Adv.**  
**Mr. Anirudh Sangneria**

**Counsel for the Respondent(s): Mr. S. Sriranga for R-2**  
**Mr. Swapna Seshadri for R-1**

**ORDER**

Mr. Basava Prabhu, the learned senior counsel for the Appellant submits that the reply by Respondent no. 2 has been filed only on 19.11.2012 and so he wants sometime to file the rejoinder to the same.

Accordingly, he is directed to file the same on or before 30.11.2012 after serving copy on the other side including the Commission.

Now pending this Appeal, the Appellant has filed another Application No. 398 of 2012 for fixing the provisional rate for the supply of power to the Respondent no. 2.

Mr. Sriranga, the learned counsel for the Respondent No. 2 seeks sometime to file the counter for this IA No. 398 of 2012.

Accordingly, he is directed to file the same on or before 30.11.2012 after serving copy of the same on the other side.

According to the learned senior counsel for the Appellant, they have been supplying power to Respondent No. 2 but they have not received any amount for the same from the 2nd Respondent and so the suitable direction be issued. On the other hand, the learned counsel for the 2nd Respondent submits that based upon all the invoices so far received, they have been paying the amount towards those invoices.

In view of the above statements made by the parties, we deem it appropriate to direct the Appellant to raise the invoice and in turn, the 2nd Respondent shall pay the rate as per PPA to the Appellant. Accordingly directed.

It is made clear this arrangement is made as agreed by the parties, without prejudice to the rights of the respective parties. This is subject to the outcome of the proceedings.

Post the matter for final hearing on **6.12.2012 at 2.30 pm.**

Pending this Appeal, the proceedings before the State Commission may not go on.

**(V.J. Talwar)**  
**Technical Member**  
**ak/sm**

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