

Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)

Appeal No. 128 of 2011 and  
IA- 207 of 2011

Dated: 11<sup>th</sup> November, 2011

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

In the matter of:

Lanco Kondapalli Power Limited .....Appellant (s)  
Versus

Andhra Pradesh Power Coordination Committee & Ors. ... Respondent (s)

Counsel for the Appellant (s) : Mr. Sitesh Mukherjee &  
Mr. Sakya Singha Chaudhuri

Counsel for the Respondent(s): Ms. Surbhi Sharma for R.2 to R.6

ORDER

IA- 207 of 2011  
(Appl. for stay)

It is now noticed as pointed out by the learned counsel for the Applicant/Appellant that the finding has been given in favour of the Applicant/Appellant in respect of the period from 2006-2009. The details of the finding given by the Commission at para 11 is as follows:

***“However, in the conclusion part of the written arguments, the respondents have concluded to the claim of MAT for the period 2006- 2009 in the light of the latest judgment of the Appellate Tribunal dt. 06.08.2009 in Appeal Nos. 41, 59 & 60 of 2009. Hence, there is no need to this Tribunal to decide this issue specifically,***

***about the entitlement. Hence, this issue is answered in favour of the petitioner and against the respondents for the period which is not barred by time.”***

It is also noticed that even though the finding has been given, no consequent direction has been given in favour of the Appellant. The learned counsel for the Applicant in I.A. seeks for the said directions, pending the Appeal before this Tribunal.

We are not inclined to give such directions because the consequential Order has to be passed only by the Commission. Therefore, the Applicant/Appellant is directed to approach the Commission and file the necessary Application seeking for the consequential direction and the Commission is directed to pass appropriate Order after hearing the other parties, pending the Appeal before this Tribunal, in accordance with law and preferably within two months.

Accordingly, the Application is disposed of.

**Appeal No. 128 of 2011**

The Respondent is directed to file the reply in the main matter on or before 25.11.2011 after serving copy on the other side.

Post the matter for hearing on **09.12.2011**. In the meantime, the Rejoinder, if any, be filed after serving copy on the other side.

**(V. J. Talwar)**  
**Technical Member**

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

TS/ss