

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 372 of 2013 in
Appeal No.276 of 2013

Dated : 25th November, 2013

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

Corporate Power Ltd.
Appellant(s)

Versus

Power Grid Corporation of India
Respondent(s)
Ltd. & Ors.

Counsel for the Appellant(s) : Mr. Sitesh Mukherjee
Mr. Hemant Singh

Counsel for the Respondent(s) : Ms. Suparna Srivastava
for R.1

ORDER

I.A. No. 372 of 2013
(Appl. for stay)

We have heard the learned counsel for the parties.

As directed by this Tribunal, the undertaking affidavit has been filed by the Appellant/Applicant seeking for interim relief. The relevant portion at Para Nos. 3, 4 & 5 is as follows:

3. "I state that the Appellant is seeking the indulgence of this Hon'ble Tribunal for grant of interim prayer to maintain a status-quo, as on date, with respect to the termination/cancellation of the MTOA. In this regard, as

directed by this Hon'ble Tribunal the Appellant hereby undertakes to furnish a Bank Guarantee for an amount of Rs.5 crores, and further open the Letter of Credit for an amount of Rs. 5 Crores, in favour of the Respondent No.1.

4. The said Bank Guarantee and Letter of Credit shall be liable to be encashed/invoked subject to further orders of the Hon'ble Tribunal in the present appeal.

5. I further state that the Appellant shall comply with the terms and conditions of the present undertaking within a period of 6 weeks."

We have heard the learned counsel for the parties regarding this undertaking. The Respondents objected to the time of period of six weeks for complying with this undertaking.

In view of the objection raised by the Respondent with regard to the time frame and the facts and circumstances, we deem it appropriate to direct the Appellant/Applicant to comply with this undertaking within three weeks from today. Accordingly, ordered.

With this observation, the I.A. is disposed of.

Appeal No.276 of 2013

The learned counsel for the Respondent is directed to file the reply in the main Appeal on or before 02.12.2013 after serving copy on the other side.

Post the main matter for final disposal on **18.12.2013**. In the meantime, Rejoinder, if any, be filed after serving copy on the other side.

(Rakesh Nath)
Technical Member

ts/vs

(Justice M. Karpaga Vinayagam)
Chairperson