

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

**Appeal No. 246 of 2012
&
Appeal No. 229 of 2012**

Dated : 2nd December, 2013

Appeal No. 246 of 2012

In the Matter of

Tata Power Co. Ltd. ...

Appellant(s)

Versus

1 Maharashtra Electricity Regulatory Commission

2 Reliance Infrastructure Limited

. ... Respondent(s)

Counsel for the Appellant(s):

Mr. Krishnan Venugopal, Sr. Adv.
Mr. Avijeet Kr. Lala
Ms. Anusha Nagarajan

Counsel for the Respondent(s):

Mr. J.J. Bhatt Sr. Adv.
Mr. Hasan Murtaza
Mr. Aditya Parda
Mr. Buddy A. Ranganadhan with
Ms. Richa Bharadawaja

Appeal No. 229 of 2012

In the Matter of

Reliance Infrastructure Ltd. ...

Appellant(s)

Versus

1 Maharashtra Electricity Regulatory Commission

2 Tata Power Company

Respondent(s)

Counsel for the Appellant(s): Mr. J.J. Bhatt Sr. Adv.
Mr. Hasan Murtaza
Mr. Aditya Parda

Counsel for the Respondent(s): Mr. Krishnan Venugopal, Sr. Adv.
Mr. Avijeet Kr. Lala
Ms. Anusha Nagarajan
Mr. Buddy A. Ranganadhan
Mr. Arijit Maitra for R-1.

ORDER

- 1 It is noticed that the validity of Commission's directions in the Impugned order dated 22.8.2012 in case no. 151 of 2011 has expired on 31.10.2013 and the Commission has revived these directions by way of Para 35 (i) of the Commission's order dated 30.10.2013 permitting to operate the directions contained in Commission's order dated 22.8.2012 in case no. 151 of 2011. Therefore, the Impugned Order dated 22.10.2012 no longer exists and it has merged with the Commission's order dated 30.10.2013 in case no. 85 of 2013.
- 2 The Appellant in Appeal No. 229 of 2012 has filed Appeal No. 278 of 2013 Rlnfra-D against the Commission's order dated 30.10.2012 and has prayed for setting aside the directions given in para 35 of the order dated 30.10.2013 including the direction providing continuity to the directions given in order dated 22.8.2012 in case no. 151 of 2012, which the Rlnfra supported in Appeal No. 246 of 2012. Similarly, Tata Power Company, which opposed these directions in Appeal No. 246 of 2012 is

now supporting the directions given by the Commission in para 35 of the order dated 30.10.2013 including the para (i) reviving the directions given in order dated 22.8.2012. Clearly, there is some confusion.

- 3 Further, having examined the issues in hand, we are of the view that giving any observation on the Appeal No. 246 of 2012 and the Appeal No. 229 of 2012 may pre-empt the issues raised in appeal No. 278 of 2013. For example, if we allow Appeal No. 229 of 2012, the Appeal no. 278 of 2013 would become infructutous. Similarly, if we dismiss 246 of 2012, Appeal No. 278 of 2013 would not survive. Either way, Appeal No. 278 of 2013 would like to be impacted without hearing the parties.
- 4 In view of above, we decide to re-hear the Appeals in Appeal No. 246 of 2012 and Appeal No. 229 of 2012 along with Appeal No.278/2013 during the next date of hearing fixed for Appeal No. 278 of 2013 i.e. on 16th & 17th December 2013. Post all these Appeals on 16th & 17th December,2013 for hearing.

(V J Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Dated: 2nd December, 2013

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REPORTABLE/~~NOT REPORTABLE~~