

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**APPEAL NO. 259 OF 2019 &
IA NOS. 1367, 1368 & 1369 OF 2019**

Dated : 30th July, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of :

Uttar Pradesh Power Corporation Limited & Ors. ... Appellant(s)
Vs.
Uttar Pradesh Electricity Regulatory Commission & Anr. ... Respondent(s)

Counsel for the Appellant(s) : Mr. Parag Tripathi, Sr. Adv.
Mr. Buddy A. Ranganadhan
Mr. Aashish Gupta
Mr. Krishna Tangirala
Mr. Anirudh Lekhi
Ms. Priyamvada Mishra
Mr. Arvind Mittal

Counsel for the Respondent(s) : Mr. C.K. Rai
Mr. Sachin Dubey for R-1

Mr. Vikas Singh, Sr. Adv
Mr. Vishal Gupta
Mr. Divyanshu Gupta for R-2

ORDER

**IA No. 1367 of 2019 - (For exemption from filing
certified copy of impugned order)**

We have heard learned counsel for the applicant/appellant.

For the reasons stated in this application, the IA is allowed and, accordingly, disposed of.

**IA No. 1369 of 2019 - (For exemption from filing
fair copies of document)**

We have heard learned counsel for the applicant/appellant.

The IA is dismissed as withdrawn and, accordingly, disposed of.

APPEAL NO. 259 OF 2019 &
IA NO. 1368 OF 2019

During the course of hearing on maintainability, we learnt that the 2nd Respondent/SPGCL also intends to file appeal challenging that portion of Impugned Order which rejects their claim of Rs.800-odd Crores. Since, the entire controversy pertains to terms of agreement and consequences of events with regard to land acquisition and consequences in this matter where the proposed thermal plant had to be established, we are of the opinion that stand of the Respondents and stand of 'SPGCL' in the appeal yet to be filed by them would be one of the same. At this stage we cannot anticipate what would be the exact stand of the SPGCL in the appeal to be filed by them. Since we have to appreciate the respective stand of the parties on merits it would be just and proper to hear both appeals together whether be it admission, interim relief or main appeal on merits. Therefore, we do not proceed to hear the matter on maintainability of this appeal at this stage.

However, the bank guarantee period which came to an end on June 30th, 2019 needs to be revived. Since claim period pertaining to said bank guarantee would expire on July 31st, 2019, we direct the Respondent No.2 to do all the needful which is required to keep the bank guarantee for Rs. 99 Crores alive till September 30th, 2019. Learned senior counsel arguing for SPGCL Mr. Vikas Singh fairly undertakes that needful would done to keep the bank guarantee/claim period alive and also furnish the bank guarantee document to the appellant which shall not be encashed without permission of this Tribunal. Meanwhile the 2nd Respondent/SPGCL is at liberty to file appeal if intends to do so.

List the matter on **27.08.2019.**

(Ravindra Kumar Verma)
Technical Member

mk/kt

(Justice Manjula Chellur)
Chairperson