

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 480 OF 2024 & IA No. 1539 OF 2024 & IA No. 2081 OF 2024

Dated: 28th January, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member(Electricity)

In the matter of:

Uttar Pradesh Power Corporation Limited & Ors. Appellant(s)

Versus

Uttar Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Shankh Sengupta
Abhishek Kumar
Nived Veerapaneni
Karan Arora
Shubham Mudgil
for App. 1
Shankh Sengupta
Abhishek Kumar
Nived Veerapaneni
Karan Arora
Shubham Mudgil
for App. 2
Shankh Sengupta
Abhishek Kumar
Nived Veerapaneni
Karan Arora
Shubham Mudgil
for App. 3
Shankh Sengupta
Abhishek Kumar
Nived Veerapaneni
Karan Arora
Shubham Mudgil
for App. 4
Shankh Sengupta

Abhishek Kumar
Nived Veerapaneni
Karan Arora
Shubham Mudgil
for App. 5

Counsel on record for the Respondent(s) :

for Res. 1
Sourav Roy
Atharva Kotwal
Anshu Deshpande
for Res. 2
Anand K. Ganesan
Swapna Seshadri
Ritu Apurva
Amal Nair
Karthikeyan M
for Res. 3
Altaf Mansoor
Sunil Kumar Rai
for Res. 4

ORDER

IA No. 2081 OF 2024

(for condonation of delay in filing reply)

The delay of 2 (two) days in filing the reply is condoned and the reply filed along with the IA is taken on record.

The application is, accordingly, disposed of.

IA No. 1539 OF 2024

(for interim relief)

Mr. Abhishek Kumar, learned counsel appearing on behalf of the Appellant, would submit that the Appellant has already refunded the liquidated damages which they had recovered from the monthly charges payable to the 2nd Respondent; and it would suffice if this Tribunal makes it

clear that, in case of their success in the main appeal, they would be entitled to recover the said amount from the monthly charges payable to the 2nd Respondent.

Mr. Sourav Roy, learned counsel appearing on behalf of the 2nd Respondent, on instructions, would fairly agree for such an order to be passed.

As learned counsel on both sides are in agreement, suffice it to make it clear that, in case the Appellant were to succeed in the appeal, they would be entitled to recover the amount which they have repaid to the 2nd Respondent, from the monthly bills raised by the 2nd Respondent.

The IA is, accordingly, disposed of.

APL No. 480 OF 2024

Mr. Altaf Mansoor, learned Counsel for the 4th Respondent, submits that the reply filed by the 4th Respondent before the Commission be treated as their reply in the present appeal; and they do not wish to file a separate reply. His submission is recorded.

Mr. Abhishek Kumar, learned Counsel for the Appellant, submits that their rejoinder is ready, and could not be filed because of the delay on the part of the 2nd Respondent in filing their reply. Since the delay in filing the reply is condoned, the Appellant is permitted to file their rejoinder latest by tomorrow i.e. 29.01.2025.

Learned Counsel on both sides submit that the pleadings are otherwise complete. Registry to verify, and then include the appeal in the 'List of Finals', to be taken up from there in its turn.

(Seema Gupta)
Technical Member(Electricity)

(Justice Ramesh Ranganathan)
Chairperson

ts/sk