

COURT- 1

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

APL No. 283 OF 2019 & IA No. 1229 OF 2019

Dated: 24th October, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson

Hon'ble Mr. Ravindra Kumar Verma, Technical
Member(electricity)

In the matter of:

DNH Power Distribution Company Limited **Appellant(s)**
Versus
Central Electricity Regulatory Commission **Respondent(s)**

Counsel for the Appellant(s) : Anand K. Ganesan
Anand K. Ganesan for A1
Swapna Seshadri for A1
Swapna Seshadri

Counsel for the Respondent(s) : Catherine Ranji Ayallore for R2
Pratyush Singh for R2
Ameya Vikram Mishra for R2
Amit Kapur for R2
Yashaswi Kant for R2
Vishrov Mukerjee for R2
Anup Jain
S. Rama for R3

ORDER

Heard Mr. M.G. Ramachandran, learned senior counsel for the Appellant and Mr. Amit Kapur learned counsel for the Respondent No.2.

In terms of order dated 03.10.2019 we directed Appellant to pay 50% of the claim made that is about Rs.63.015 Crores out of Rs. 126.03 Crores upon clearly opining that if the Appellant succeeds in the Appeal and the consequences of reduction in the amounts claimed by the Respondent, the same could be

adjusted towards future consumption charges which seems to be Rs. 40 Crores per month.

It is not fair on the part of Appellant to say that the amount claimed by the Respondent generator is incorrect, therefore, they have not paid in terms of directions of the Tribunal apart from filing second Appeal before the Apex Court which is yet to be listed.

According to senior counsel Mr. M.G. Ramachandran they would immediately pay the amount of Rs. 23 Crores which is due according to them in terms of Impunged Order.

We direct that the said payment be paid forthwith and the balance of Rs. 40 Crores shall be paid within two weeks.

List the matter on **07.11.2019.**

Ravindra Kumar Verma
Technical Member(electricity)

Justice Manjula Chellur
Chairperson

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