

**COURT-I**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**APPEAL NO. 88 OF 2019 &**  
**IA NO. 372 OF 2019**

**Dated : 28<sup>th</sup> August, 2019**

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson**  
**Hon'ble Mr. S. D. Dubey, Technical Member**

**In the matter of:**

**Tata Power Company Limited (Transmission) ... Appellant(s)**  
**Versus**  
**Maharashtra Electricity Regulatory Commission & Anr. ... Respondent(s)**

Counsel for the Appellant(s) : Mr. Basava Prabhu Patil, Sr. Adv.  
Mr. Hemant Sahai  
Ms. Molshree Bhatnagar  
Ms. Jyotsna Khatri  
Ms. Geet Ahuja

Counsel for the Respondent(s) : Mr. S.K. Rungta, Sr. Adv.  
Ms. Pratiti Rungta  
Mr. Sumit Pargal for R-1

Mr. Sudhanshu S. Choudhari  
Mr. Yogesh S. Kolte for R-2

**INTERIM ORDER**

Learned counsel for the Respondent No.2/MSETCL submits that opening of financial bid and announcement of qualified bidders, as scheduled today, should proceed with since before final stage, i.e. issuance of LOI, several stages of bidding process have to be completed. The last date of issuance of LOI is scheduled on 05.09.2019.

Learned senior counsel for the Appellant submits that the Appellant is one of the qualified bidders to participate in the process without prejudice to their right in

this appeal. Therefore, if bidding process, i.e. opening of financial bid, is allowed, it would be nothing but participating in further process against its own interest.

According to us, this submission is not acceptable since the Appellant's case pertains to DPR process and present bidding process is based on competitive process. In that view of the matter, we direct the Respondent No.2 to proceed with the opening of financial bids subject to outcome of this appeal.

We direct the Respondent No.2 not to issue LOI till further orders.

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Written submissions filed by the parties in this case today are taken on record.

**Reserved for Judgment.**

**(S. D. Dubey)**  
**Technical Member**

**(Justice Manjula Chellur)**  
**Chairperson**

*vt/pk*