

COURT-1

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

**IA No. 238 of 2017 in
Appeal No. 215 of 2017**

Dated: 8th August, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I. J. Kapoor, Technical Member**

In the matter of:

**Punjab State Power Corporation Ltd. Appellant(s)
Vs.
Punjab State Electricity Regulatory Commission & Anr. Respondent(s)**

Counsel for the Appellant(s) : Mr. Tajender K. Joshi

Counsel for the Respondent(s) : Mr. Sakesh Kumar for R-1

Mr. Abhishek Bansal for R-2

ORDER

**IA No. 238 of 2017
(Appl. for stay)**

In this application, the applicant/appellant has prayed that the impugned order dated 03.11.2016 passed by the State Commission be stayed.

We have heard learned counsel for the parties.

By the impugned order, the State Commission has, *inter alia*, directed the appellant to refund an amount of Rs. 4,45,92,364/- to respondent No.2. Since the impugned order is in the nature of a money decree, we are of the

opinion that the following order passed, without expressing any opinion on the merits of the case, will meet the ends of justice:

The appellant shall deposit an amount of Rs. 4,45,92,364/- with the State **Commission** within three weeks from today. On such deposit being made, the State Commission shall invest the said amount in a nationalized bank in a short term fixed deposit. Needless to say that the said amount along with interest accrued thereon will abide by the final order that will be passed in this appeal. The said fixed deposit shall be renewed and kept alive till the disposal of this appeal.

On such deposit being made, the impugned order shall remain stayed during the pendency of the appeal to the extent it directs the appellant to refund the amount of Rs.4,45,92,364/- to respondent No.2.

We are informed that in another petition being Petition No. 4 of 2017 by order dated 24.04.2017 the State Commission has directed the appellant to pay penal interest at the rate of 1.25% per month on pro-rata basis for each day's delay beyond seven working days. We make it clear that on this issue we have expressed no opinion. If respondent No.2 is entitled to the said interest then it may get the same if the matter is finally decided in its favour.

Application is disposed of.

List the main appeal on 10.10.2017. In the meantime, pleadings be completed.

(I.J. Kapoor)
Technical Member

ts/tpd

(Justice Ranjana P. Desai)
Chairperson