

COURT-1**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)****IA No. 508 of 2017 in Appeal No. 34 of 2017 &
I.A. Nos. 508, 76, 403, 487 & 593 of 2017****Dated: 3rd August, 2017****Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I. J. Kapoor, Technical Member****In the matter of:**

M/s Suryachakra Power Corporation Ltd. Appellant(s)
Vs.
Electricity Department, A & N Administration & Ors. Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Ms. Kavita Bharadwaj

Counsel for the Respondent(s) : Mr. Rakesh Khanna, Sr. Adv.
Ms. Ruchi Sindhvani
Mr. Shefali Jain for R-1 & 2

Mr. Varun Pathak
Ms. Pooja Nuwal for R-3

Mr. Rinku Gautam for JERC

ORDER**I.A. No. 593 of 2017***(Delay in filing written submission)*

Delay in filing written submission is condoned and written submission is taken on record. Application is disposed of.

IA No. 508 of 2017

On 20.02.2017, we disposed of I.A. No. 75 of 2017 filed by the Appellant for stay of the impugned order. The relevant portion of the order reads as under:

“In the circumstances of the case, we are of the opinion that the following interim order will meet the ends of justice:

(a) The Appellant will furnish a bank guarantee of Rs.9,67,07,816/- from a nationalised bank/scheduled bank to secure the amount of Rs. 9,67,07,816/- within a period of 30 days from today.

(b) On such bank guarantee being furnished in favour of respondent No.1, respondent No. 1 shall continue to pay a monthly tariff as per the PPA and the terms prevalent day before the Impugned Order.

(c) On such bank guarantee being furnished, respondent No.1 shall not take steps to recover the amount of Rs.9,67,07,816/- from the Appellant.

The above arrangement shall continue till the disposal of this appeal and will abide by the final orders which will be passed in this appeal. We make it clear that we are passing this order without prejudice to the rights and contentions of the parties. Bank guarantee will be initially for a period of 6 months and shall be kept alive till the final disposal of the appeal”

Mr. M.G. Ramachandran, learned counsel for the appellant states that the appellant is unable to furnish the bank guarantee on account of the financial condition of the appellant.

In view of the above statement of learned counsel for the appellant, the interim protection granted vide our order dated 20.2.2017 stands vacated. Needless to say that Respondent No.1 is free to take such steps as may be available to it in law.

Application is disposed of.

Appeal No. 34 of 2017

List the matter on **12.09.2017**.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/tpd