

COURT-II

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**APPEAL NO. 203 OF 2018 &
IA NOS. 1024 AND 921 OF 2018 ON THE FILE OF
THE APPELLATE TRIBUNAL OF ELECTRICITY, NEW DELHI**

Dated: 10th August, 2018

**Present: Hon'ble Mr. Justice N. K. Patil, Judicial Member
Hon'ble Mr. S. D. Dubey, Technical Member**

IN THE MATTER OF:

**SKS Ispat and Power Ltd,
Having its office at Siltara, Phase-II,
Raipur, Chhattisgarh - 493111**

.... APPELLANT

VERSUS

**1. Chhattisgarh State Electricity Regulatory Commission
Irrigation Colony, Shanti Nagar,
Raipur – 492007
Chhattisgarh**

**2. Chhattisgarh State Power Distribution Company Ltd,
Daganiya, Raipur – 492013
Chhattisgarh**

.... RESPONDENTS

**Counsel for the Appellant(s) : Mr. Aashish Anand Bernard
Mr. Paramhans**

**Counsel for the Respondent(s) : Mr. Ravi Sharma for R-1
Mr. Apporv Kurup for R-2**

(1) The Appellant has sought the following reliefs in Appeal No. 203 of 2018:

- (a) Be pleased to set aside the order dated 08.06.2018 passed on Petition No. 47 of 2017 by the Respondent No. 1 Ld. Commission and be pleased to direct the Respondent No. 2 to undertake billing for Parallel Operation Charges as per the order dated 30.4.2016; and
- (b) Be pleased to pass any other order in the interest of justice.

(2) This Appeal is presented for considering the following Question of Law:

- (i) Whether the Impugned Order is bad in law?
- (ii) Whether the Appellant has complied with order dated 30.4.2016?
- (iii) Whether the Hon'ble Commission was correct in holding that the Petition No. 47 of 2017 be dismissed and the issues raised therein be heard in Petition No. 9 of 2018 and till then billing as per Old Methodology be continued?
- (iv) Whether in light of the facts and circumstances of the case, the Hon'ble Commission ought to have considered the submissions of the Appellant that both the Petitions be heard together in the interest of Justice?
- (v) Whether in light of the facts and circumstances of the case, the Appellant has complied with the order dated 30.4.2016 and installed the complete metering system?
- (vi) Whether the Appellant can be compelled to pay the arrears of POC for the period during which the interim order was in operation when the entire issue of billing is to be examined in detail in Petition No. 9 of 2018?

ORDER

PER HON'BLE MR. JUSTICE N. K. PATIL, JUDICIAL MEMBER

1. We have heard learned counsel, Mr. Aashish Anand Bernard appearing for the Appellant, for quite some time. During the course of the submission, at the outset, he submitted that the instant appeal, being Appeal No. 203 filed by the Appellant may kindly be disposed of reserving liberty to the Appellant to file necessary application for modification of the impugned order dated 8-6-2018 passed in Petition No. 47 of 2017 on the file of the Chhattisgarh State Electricity Regulatory Commission, Raipur within two weeks from today. Further, he submitted that all the contentions taken in the instant appeal may kindly be left open.

2. Further he submitted that the first Respondent Commission may kindly be directed to consider the said application dispose of as expeditiously as possible. In the mean time, the second Respondent may kindly be directed not to take any coercive action till the application to be filed by the Appellant is considered and disposed of by the first Respondent Commission in the interest of justice and equity.

3. The submission made by the learned counsel appearing for the Appellant, as stated supra, is placed on record.

4. In the light of the statement made by the learned counsel for the Appellant, the instant appeal filed by the Appellant is disposed of reserving liberty to file necessary application for modification of the impugned order dated 8-6-2018 passed in Petition No. 47 of 2017 on the file of the Chhattisgarh State Electricity Regulatory Commission, Raipur within a

period of two weeks from today. Further, in the event of such application is filed by the Appellant, the first Respondent is directed to dispose of the matter after affording reasonable opportunity to the parties to the proceedings as expeditiously as possible within a period of eight weeks from the date of filing of the application.

5. The second Respondent is directed not to take any coercive action till the application is disposed of by the first Respondent Commission.

6. With these observations, the Appeal No. 203 of 2018 stands disposed of.

7. In view of the instant appeal being disposed of, the applications being IA Nos. 1024 and 921 of 2018 filed by the Appellant do not survive, hence stands disposed of as these have become infructuous.

(S. D. Dubey)
Technical Member

tpd/js

(Justice N. K. Patil)
Judicial Member