

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

IA NO. 1728 OF 2018
IN DFR No. 4713 OF 2018

Dated: 4th December, 2018

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

In the matter of :
JSW Energy Limited

.... Appellant(s)

Versus

Maharashtra Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Amit Kapur
Mr. Vishrov Mukerjee
Mr. Girik Bhalla
Mr. Suraj D. Guru

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan for R-1
Mr. Raunak Jain for R-7

ORDER

IA NO. 1728 OF 2018
(Application for urgent listing)

We have heard learned counsel for the applicant/appellant. For the reasons stated in this application, the application is allowed.

The application is disposed of.

DFR No. 4713 OF 2018

We have gone through the impugned order as well as letter/notice dated 28-11-2018 issued by Maharashtra State Load Despatch Centre (MSLDC), a Unit of Maharashtra State Electricity Transmission Co. Ltd. This notice refers to order of MERC dated 23-10-2018 in case No. 59 of 2018 wherein the present Appellant was not a party to the proceedings. Though this letter refers to another order dated 24-10-2018 in case of 186 of 2018, the controversy in that case is not the same in the present appeal. Under these circumstances, when MERC did not hear the Appellant before passing the orders, if MSLDC had to base this notice of 28-11-2018 of the order of MERC to issue notice dated 28-11-2018, we are of the opinion, no opportunity of explaining on factual situation was afforded by the authority concerned while issuing the notice.

Therefore in the facts and circumstances, to meet ends of justice, we stay the operation of notice dated 28-11-2018 till the next date of hearing.

Issue notice to Respondents on the IA as well as main appeal, returnable on 29-1-2019. Mr. Buddy A. Ranganadhan, learned counsel takes notice on behalf of R-1 and Mr. Raunak Jain, learned counsel takes notice on behalf of R-7. Dasti, in addition, is permitted.

List the matter on **29-1-2019** subject to curing the defects.

(S.D. Dubey)
Technical Member
tpd/pk

(Justice Manjula Chellur)
Chairperson