

COURT-II

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

**APPEAL NO. 246 OF 2018 &
IA NOS. 1435, 1499 & 1460 OF 2018**

Dated : 14th December, 2018

**Present: Hon' ble Mr. Justice N.K. Patil, Judicial Member
Hon' ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

**TANGEDCO : ... Appellant (s)
Versus
Central Electricity Regulatory Commission & Ors. ... Respondent (s)**

Counsel for the Appellant(s) : Mr. G. Umapathy
Mr. S. Vallinayagam

Counsel for the Respondent (s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Deepak Khurana for R-2

Ms. Anushree Bardhan for R-3

Mr. Aashish Anand Bernard
Mr. Paramhans for R-5

ORDER

IA No. 1460 of 2018 – for early hearing)

Since the matter is listed today for admission after notice, the IA being IA No. 1460 of 2018 for early hearing is disposed of as having become infructuous.

(IA NO. 1435 OF 2018 – for directions)

The learned counsel Shri G. Umapathy after having instructions from Shri S. Vallinayagam, learned counsel appearing for the Appellant at the outset submitted that the Appellant undertakes to pay Rs.63 Crores in three easy instalments commencing from January, February and March, 2019 subject to the result of the present Appeal.

Per contra, the learned senior counsel appearing for the Respondent No.2 submitted that the submissions made by the learned counsel appearing for the

Appellant may kindly be placed on record and he vehemently opposed that the three instalments asked by the Appellant are unreasonable, therefore, he submitted that a reasonable date may be given and appropriate order may be passed to meet the ends of justice and equity.

After careful consideration and perusal of the submissions made by the learned senior counsel appearing for Respondent No.2 and learned counsel appearing for the Appellant and after having regard to the facts and circumstances of the case and in the light of the interim relief granted by this Tribunal in similar cases, we deem it fit to direct the Appellant to pay Rs. 63 Crores in three easy instalments within 15 days period commencing from Janaury, 2019 and ending in second week of February, 2019 subject to the result of the present Appeal. We make it clear that this interim arrangement is made without prejudice to the rights and contentions of the parties and the same shall be subject to the result of the present Appeal.

With these observations, the IA being IA No.1435 of 2018 stands disposed of.

APPEAL NO. 246 OF 2018 & IA NO. 1499 OF 2018

Admit.

Four weeks' time is granted to the learned counsel appearing for the Respondent No.5 i.e. on or before 14.01.2019 with advance copy to the other side. Thereafter, rejoinder, if any, may be filed within four weeks time i.e. on or before 04.02.2019 with advance copy to the other side.

List the matter on **04.03.2019**. In the meantime, learned senior counsel and learned counsel are directed to file their respective written submissions with advance copy to the other side.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N.K. Patil)
Judicial Member