

**COURT-II**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**IA NO. 1152 OF 2017 IN**  
**APPEAL NO. 68 OF 2013**

**Dated : 20<sup>th</sup> December, 2017**

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

**In the matter of:**

**Nabha Power Ltd. & Anr.**

**.... Appellant(s)**

**Vs.**

**Punjab State Power Corporation Ltd. & Anr.**

**.... Respondent(s)**

Counsel for the Appellant (s) : Mr. Ramji Srinivasan, Sr. Adv.  
Mr. Aniket Prasoon  
Mr. Abhishek Kumar  
Ms. Srishti Rai  
Mr. Naveen Hegde  
Mr. Sohil Yadav

Counsel for the Respondent(s) : Mr. M.G. Ramachandran  
Ms. Anand K. Ganesan  
Mr. Shubham Arya for R-1  
  
Ms. Shikha Ohri for R-2

**ORDER ON IA NO. 1152 OF 2017 IN APPEAL NO. 68 OF 2013**

The learned counsel, Mr. M.G. Ramachandran, accept notice on behalf of Respondent No.1.  
The learned counsel, Ms. Shikha Ohri, accept notice on behalf of Respondent No.2.

2. In the instant IA, being IA No. 1152 of 2017 in Appeal No. 68 of 2013, the Appellant prays for the following reliefs:

- “(i) Clarify that the Standing Committee is vested with full and complete authority under the order of the Hon'ble Commission dated 19.02.2014 which stood merged with the final Order passed by this Hon'ble Tribunal dated 16.03.2016 to determine all the issues and questions arising in day to day operation of the Project including the determination of the quantum of shortfall and the consequential additional cost of coal to be procured, so as to ensure smooth operation of the plant and to avoid unnecessary litigation; and
- (ii) Grant such order, further relief/s in the facts and circumstances of the case as the Hon'ble Tribunal may deem just and equitable in favour of the Applicant.”

3. We have heard the learned senior counsel, Sri. Ramji Srinivasan, appearing for the Appellant and also the learned counsel, Sri M.G. Ramachandran, appearing for the Respondents at

considerable length of time and we have gone through the grounds urged in the application carefully be that as made.

4. The learned senior counsel appearing for the Appellant, at the outset, fairly submitted that, Interlocutory Application filed by the Appellant may be disposed-of reserving liberty to the Appellant to file necessary application before the Punjab State Electricity Regulatory Commission in the light of the order, dated 16.03.2016 passed in Appeal No. 68 of 2013 & IA Nos. 423 of 2014 and 60 of 2015 on the file of the Appellate Tribunal for Electricity, New Delhi with direction to Punjab State Electricity Regulatory Commission to dispose of the said application within four weeks from the date of application to be filed by the Appellant before the State Commission.

5. *Per contra*, the learned counsel, Mr. M.G. Ramachandran, appearing for the first Respondent has fairly submitted that submission made by the learned senior counsel appearing for the Appellant, as stated above, may be placed on record and the instant Application, being IA No. 1152 of 2017 in Appeal No. 68 of 2013, may kindly be disposed of. Further, he fairly submitted that they will extend their full cooperation before the Punjab State Electricity Regulatory Commission for disposal of the matter expeditiously in the event the application filed by the Appellant herein before the State Commission in the light of the order dated 16.03.2016 passed in Appeal No. 68 of 2013 & IA Nos. 423 of 2014 and 60 of 2015 on the file of the Appellate Tribunal for Electricity, New Delhi.

6. The submissions made by the learned senior counsel appearing for the Appellant and learned counsel appearing for the first Respondent, as stated above, are placed on record.

7. In the light of the submissions made by the learned senior counsel appearing for the Appellant and learned counsel appearing for the first Respondent, as stated above, the instant IA No. 1152 of 2017 filed in Appeal No. 68 of 2013, on the file of the Appellate Tribunal for Electricity, New Delhi is disposed of with the direction to the second Respondent/Punjab State Electricity Regulatory Commission to dispose of the application to be filed by the Appellant as expeditiously as possible at any rate within a period of eight weeks from the date of presenting the application to be filed by the Appellant taking into consideration the observations made in the order dated 16.03.2016 passed in Appeal No. 68 of 2013 & IA Nos. 423 of 2014 and 60 of 2015 on the file of the Appellate Tribunal for Electricity, New Delhi and in accordance with law.

8. All the contentions of the Appellant and the Respondents are left open

9. With these observations, the instant IA No. 1152 of 2017 and Appeal No. 68 of 2013 on the file of this Appellate Tribunal for Electricity, New Delhi stand disposed of.

10. The learned counsel appearing for the Respondent No.1 and Respondent No.2 are permitted to file memo of appearances within four weeks from today.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**