

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

IA NOS. 224 OF 2018 IN
APPEAL NO. 20 OF 2018

Dated: 15th February, 2018

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

In the matter of:

OPGS Power Gujarat Pvt. Ltd.

... Appellant(s)

Vs.

Maharashtra Electricity Regulatory Commission & Anr.

... Respondent(s)

Counsel for the Appellant (s) : Mr. Hemant Singh
Mr. Matrugupta Mishra
Mr. Divyanshu Bhatt

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan
Ms. Aanchal Arora for R-1

Mr. Udit Gupta for R-2

ORDER

(IA NO. 224 OF 2018 – For continuation of interim protection)

We have heard the learned counsel, Hemant Singh appearing for the Appellant and the learned counsel, Mr. Buddy A. Ranganadhan, appearing for the first Respondent and the learned counsel, Mr. Udit Gupta, appearing for the second Respondent on IA No. 224 of 2018.

The learned counsel appearing for the Appellant submitted that they are constraint to redress their grievances by way of filing the instant application for extension of interim direction issued by this Tribunal dated 23.01.2018 in Appeal No. 20 of 2018 on the ground that there is no sitting of the first Respondent Commission on account of the matter was pending for consideration before the High Court of Maharashtra, Nagpur Bench. Therefore, the reasoning given in the application may kindly be accepted and the interim direction issued by this Tribunal may kindly be extended till the interim application filed in Review Petition by the Appellant is considered and disposed of in the interest of justice and equity.

Per-contra, the learned counsel appearing for the Respondent Nos. 1 & 2, inter-alia, contended and fairly submitted that, the submissions made by the learned counsel appearing for the Appellant and statement made in the application may kindly be taken on record and appropriate order may be passed in the interest of justice and equity.

The submissions made by the learned counsel appearing for both the parties, as stated above, are placed on record.

On account of non-sitting of the Bench of the first Respondent and on account of the interim order granted by the High Court of Maharashtra, Nagpur Bench, we found that there is some justification on the part of the Appellant seeking extension of the interim direction granted by this Tribunal. Keeping this fact in to consideration, we thought fit to pass an appropriate order to meet the ends of justice.

In the light of the statement made in the instant application and also taking into consideration the submissions made by the learned counsel appearing for both the parties, as stated above, it is just and proper to safeguard the interest of the Appellant and the Respondents, we felt necessitated to continue the interim direction of this Tribunal dated 23.01.2018 passed in Appeal No. 20 of 2018 till the interim application filed by the Appellant/Petitioner in Review Petition dated 06.02.2018 is considered and disposed of in the interest of justice and equity.

With these observations, the instant application, being IA No. 224 of 2018, filed by the Appellant stands disposed of.

Order accordingly.

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

(Justice N.K. Patil)
Judicial Member