

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

APPEAL NO. 336 OF 2018 &
IA NO. 1624 OF 2018

Dated : 18th January, 2019

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

In the matter of:

Noida Power Company Limited : ... Appellant (s)
Versus
Uttar Pradesh Electricity Regulatory Commission & Ors. : ... Respondent (s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Mr. Vishal Gupta

Counsel for the Respondent (s) : Mr. C.K. Rai
Mr. Sachin Dubey for R-1

Mr. Raghvendra Singh, Sr. Adv.
Mr. Sunil Kumar Rai
Mr. Altaf Mansoor
Mr. Puneet Chandra
Mr. Shishir Prakash
Ms. Karuna K. Thareja for R-2

Mr. Rahul Srivastava for R-3

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Vivek Narayan Sharma
Mr. Praygan Mishra
Ms. Mohika Jain for R-4 & R-5

ORDER
(IA No. 1624 OF 2018 – for Stay)

The learned counsel, Mr. M.G. Ramachandran, appearing for the Appellant, at the outset, submitted that the instant application, being IA No. 1624 of 2018, may kindly be disposed of on the following terms and submissions:

- 1.(A) One (1) surplus bay which is presently available in the R.C. Green substation shall be allowed to be utilized for the Appellants connectivity for drawing electricity;

- (B) The second Respondent/UPPTCL agrees that it will undertake augmentation of the required transformers capacities with four (4) additional bays as detailed in the Record Notes dated 29.12.2018 and 15.01.2019;
 - (C) On the commissioning and operation of the augmentation mentioned in para 1(B) above, out of the additional four (4) bays, one (1) bay will be utilized for connectivity of the 33 KV line of Respondent No.5 and the remaining three (3) bay will be available for the Appellant to connect and draw electricity R.C. Green substation.
 - (D) The R.C. Green substation, for the present pending the decision in the Appeal shall continue to be operated and maintained by the Respondent No.2/UPPTCL.
2. The above arrangement shall be without prejudice to the rights and contentions of the Appellants and Respondents in the instant Appeal and shall be subject to the decision to be passed in the Appeal.

Therefore, the learned counsel for the Appellant submitted that, in the terms and submissions, as stated supra, the instant application, being IA No. 1624 of 2018, may kindly be disposed of in the interest of justice and equity.

Per-contra, the learned senior counsel, Mr. Raghvendra Singh, appearing for the second Respondent/UPPTCL and the learned senior counsel, Mr. Neeraj Kumar Jain, appearing for the Respondent Nos. 4 & 5, at the outset, fairly submitted that, in the terms and submissions of the learned counsel for the Appellant, as stated supra, may be placed on record and the instant application, being IA No. 1624 of 2018, may be disposed of.

Submissions of the learned counsel for the Appellant and learned senior counsel appearing for the Respondent Nos. 2 and Respondent Nos. 4 & 5, as stated above, are placed on record.

Heard the learned senior counsel for the Appellant, the learned senior counsel for the Respondent No. 2, the learned senior counsel for the Respondent No. 4 & 5 and the learned counsel appearing for the Respondent Nos. 1 and 3.

In the light of the submissions of the learned counsel for the Appellant and the learned senior counsel appearing for the Respondent Nos. 2 and Respondent Nos. 4 & 5, as stated above, the instant application, being IA No. 1624 of 2018, filed by the Appellant stands disposed of in the terms and submissions, as stated above.

APPEAL NO. 336 OF 2018

Admit.

The learned counsel for the Respondent Nos. 2, 3, 4 & 5 pray for six weeks time to file their respective reply to the appeal.

The learned counsel for the Appellant also prays for four weeks time thereafter to file rejoinder to the reply filed by the Respondent Nos. 2, 3, 4 & 5.

The learned counsel for the first Respondent submitted that, they do not propose to file reply in this matter. However, he submitted that, they will file written submission in due course.

Submissions of the learned counsel for the Appellant and the learned counsel for the Respondents, as stated supra, are placed on record.

The learned counsel for the Respondent Nos. 2, 3, 4 & 5 are permitted to file their respective reply to the appeal on or before 28.02.2019, after duly serving copy to the learned counsel for the Appellant.

The learned counsel for the Appellant also permitted to file rejoinder to the reply filed by the Respondent Nos. 2, 3, 4 & 5 on or before 28.03.2019, after duly serving copy to the learned counsel for the Respondents.

List this matter on **09.04.2019**, as agreed by the learned counsel appearing for both the parties.

(Ravindra Kumar Verma)
Technical Member
vt/pk

(Justice N.K. Patil)
Judicial Member