

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

**APPEAL NO. 279 OF 2018 &**  
**IA NO. 880 OF 2018 & IA NO. 1867 OF 2018**

**Dated: 3<sup>rd</sup> January, 2019**

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

**In the matter of:**

**M/s. Panchakshari Power Projects LLP .... Appellant(s)**

**Versus**

**Karnataka Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant(s) : Mr. Rajiv Yadav  
Mr. Chirag Kher

Counsel for the Respondent(s) : Ms. Garima Jain  
Mr. Balaji Srinivasan  
Mr. Siddhant Kohli  
Ms. Pallavi Sengupta for R-2

Mr. Nithin Saravanan  
Ms. Arunima singh  
Ms. Priyadarshini for R-4

**ORDER**

**(On IA No. 1867 of 2018- Delay in filing reply)**

The learned counsel, Ms. Garima Jain, appearing for the second Respondent submitted that, there is a delay of 04 days in filing the reply which has been explained satisfactorily in the application. The same may kindly be accepted and delay may kindly be condoned.

Submission made by the learned counsel appearing for the second Respondent, as stated above, is placed on record.

In the light of the submission made by the learned counsel appearing for the second Respondent and after perusal of the application explaining the delay in filing the reply, we find it satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the reply is condoned. IA is allowed.

**APPEAL NO. 279 OF 2018 &**  
**IA NO. 880 OF 2018**

We have heard the learned counsel appearing for the Appellant and the learned counsel for the Respondent No. 2 and Respondent No. 4.

The learned counsel, Mr. Rajiv Yadav, appearing for the Appellant, at the outset, submitted that, this Appellate Tribunal, in an identical matter, vide its Order dated 12.10.2018 in Appeal No. 276 of 2018 & IA No. 1079 of 2018, has granted stay of the operation in execution of the impugned Order. Therefore, he submitted that, a similar stay may kindly be granted in the instant case also.

Submissions made by the learned counsel appearing for the Appellant, as stated supra, are placed on record.

After careful perusal of the statement made in the application and the submissions made by the learned counsel appearing for the appellant and also the stand taken by the learned counsel for the second Respondent in the reply and after hearing the learned counsel appearing for the Appellant and the Respondent Nos. 2 and 4, we deem it proper on the countenance that the matter, prima-facie, requires consideration.

Stay the operation in execution of the impugned Order dated 30.01.2018 passed in OP No. 87/2017 on the file of the Karnataka Electricity Regulatory Commission, Bengaluru until further orders.

The learned counsel for the Respondent Nos. 2 and 4 pray for four weeks time to enable them to file their reply to the main appeal. The learned counsel for the Appellant also prays for four weeks time thereafter to file rejoinder to the reply to be filed by the learned counsel appearing for the Respondent Nos. 2 and 4.

Submissions made by the learned counsel for the appearing parties, as stated supra, are placed on record.

The learned counsel for the Respondent Nos. 2 and 4 are permitted to file their reply to the main appeal by 31.01.2019, after duly serving copy to the learned counsel for the appearing parties. Thereafter, the learned counsel for the Appellant is also permitted to file rejoinder by 28.02.2019, after duly serving copy to the learned counsel for the appearing respondents.

List the matter on 12.03.2019, as agreed by the learned counsel appearing for both the parties.

**(Ravindra Kumar Verma)**  
**Technical Member**  
*vt/kt*

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