

COURT - I

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

IA NOS.454 & 455 OF 2017

IN

DFR NO.1771 OF 2017

Dated: 6th July, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of :

Aircel Limited

...Appellant(s)

Vs.

Maharashtra Electricity Regulatory Commission & Anr.

...Respondent(s)

Counsel for the Appellant(s)

: Mr. Sudhir Makkar, Sr. Adv.
Mr. Chaitanya Sharma
Mr. Raghav Pandey

Counsel for the Respondent(s)

: Mr. Buddy A. Ranganadhan for R-1
Mr. Raheel Kohli for R-2

ORDER

I.A. No. 454 of 2017

(Appl. for leave to appeal)

In this application, the applicant/appellant has prayed that it may be granted leave to file the instant appeal.

All the Respondents have been served. Mr. Buddy A. Ranganadhan appears on behalf of Respondent No.1 and Mr. Raheel Kohli appears on behalf of Respondent No.2.

We have heard learned counsel for the parties. For the reasons stated in the application, without expressing any opinion on the merits of

the case, leave to file the instant appeal is granted. Application is disposed of.

IA NO. 455 OF 2017
(Appl. for condonation of delay)

There is 159 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

All the Respondents have been served. Mr. Buddy A. Ranganadhan appears on behalf of Respondent No.1 and Mr. Raheel Kohli appears on behalf of Respondent No.2.

We have heard learned counsel for the parties and perused the explanation offered for the delay in filing the appeal. We find the explanation to be acceptable. Sufficient cause has been made out. Besides, the appeals involving the similar issues have been admitted by this Tribunal. In the circumstances, delay is condoned. Application is disposed of.

DFR No. 1771 of 2017

Registry is directed to number the appeal. The main appeal is taken on board.

We have heard learned counsel for the parties. Admit. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Mr. Raheel Kohli takes notice on behalf of Respondent No.2 and they seek two weeks time to file reply. They may file the same on or before 20.07.2017 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 25.07.2017 after serving copy on the other side.

IA NO.s 456 & 505 of 2017

(Appls. for stay)

We have heard learned counsel for the parties.

It is pointed out to us that in a similar matter being I.A. No. 28 of 2017 in Appeal No. 28 of 2017 a statement of counsel for Respondent No.2 had been recorded that during the pendency of the appeal no coercive steps will be taken against the appellant therein who is similarly situated as the present appellant.

In the circumstances of the case, that the said statement shall also continue to apply to this case, that is to say, without prejudice to the rights and contentions of Respondent No.2, Respondent No.2 shall raise bills, however, no coercive steps will be taken against the appellant during pendency of this appeal.

Registry is directed to issue dasti of this order.

List the matter on **26.07.2017**. Tag to Appeal No. 28 of 2017.

(I. J. Kapoor)
Technical Member

ts/kt

(Justice Ranjana P. Desai)
Chairperson