

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

IA NO. 72 OF 2019 IN APPEAL NO. 221 OF 2018 &
IA NO. 1087 OF 2018

Dated : 6th March, 2019

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

In the matter of:

Gujarat Urja Vikas Nigam Limited

... **Appellant(s)**

Vs.

M/s Tarini Infrastructure Limited & Ors.

... **Respondent(s)**

Counsel for the Appellant(s) : Ms. Ranjitha Ramachandran
Ms. Anushree Bardhan
Ms. Tanya Sareen

Counsel for the Respondent(s) : Ms. Shikha Ohri for R-1

Mr. Maulik Nanavati
Ms. Jaikriti S. Jadeja
Mr. Shakul R. Ghatole (Rep.) for R-2

Mr. Pallav Mongia
Mr. Mridul Chakravorty for R-4

ORDER
(IA No. 1087 of 2018 – for Stay) &
(IA No. 72 of 2019 – for Direction)

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

The learned counsel appearing for the Appellant presented the IA No. 1087 of 2018 (for Stay) seeking the following reliefs:

- (a) Stay the operation of the judgment and order dated 07.05.2018 passed in the Petition No. 1024 of 2010 till the decision in the present Appeal;

- (b) Pass ad-interim ex-parte orders in terms of prayers (a) above and confirm the same after notice to the Respondents; and
- (c) Pass such further order or orders as this Tribunal may deem just and proper in the circumstances of the case.

The learned counsel appearing for the Respondent No.1 presented the IA No. 72 of 2019 (for Ddirection) seeking the following reliefs:

- a) Direct the Appellant to make payment of arrears and carrying cost (as per PPA Clause 7.3.1) amounting to Rs. 4,19,80,402/- (up to 31.10.2018) to the Applicant in terms of the impugned order;
- b) Direct the Appellant to pay the current/recurring invoices to the Applicant at the tariff of Rs. 3.61/ Unit as determined in the impugned order; and
- c) Pass any order and/or any such orders as this Commission may deem fit and proper under the facts and circumstances of the present case and in the interest of justice.

We have heard the learned counsel for both the parties.

We have carefully gone through the statement made in the interim applications filed by the Appellant and the Respondent No.1 as stated supra. We found there is a prima facie a case which requires the matter

for consideration on merits. Further, we found that balance of convenience is in favour of the Tarini Infrastructure Ltd., the Respondent No.1 herein.

Having regards to the facts and circumstances of the case, we think it fit to pass the appropriate order to meet the ends of justice.

The Appellant herein is directed to pay a sum of Rs. 1.32 Crore within a period of four weeks from the date of receipt of copy of this order to the Tarini Infrastructure Ltd., the Respondent No.1 herein subject to the outcome of the result of this present Appeal.

With these observations, the IA No. 1087 of 2018 and IA No. 72 of 2019 stand disposed of.

APPEAL NO. 221 OF 2018

The learned counsel appearing for the Respondent No.4 prays for four weeks' time to file the reply.

Submissions of the learned counsel appearing for the Respondent No.2, as stated supra, are placed on record.

The learned counsel appearing for the Respondent No.4 is granted four weeks' time to file reply i.e. on or before 04.04.2019 after duly serving copy to the other side. Thereafter, rejoinder, if any, may be filed on or before 28.04.2019 after duly serving copy to the other side.

List the matter on **29.04.2019.**

(Ravindra Kumar Verma)
Technical Member
mk/ss

(Justice N.K. Patil)
Judicial Member