

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

E.P. NO. 01 OF 2018 IN
APPEAL NO. 138 OF 2013

Dated : 18th March, 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. T.T. Industries

...Petitioner(s)

Vs.

Tamil Nadu Generation & Distribution Corporation Ltd. & Anr....Respondent(s)

Counsel for the Petitioner(s) : Ms. Shilpi Jain Sharma
Mr. Mukul Sharma

Counsel for the Respondent(s) : Mr. S.Vallinayagam
Ms. S. Amali for R-1

ORDER

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

The Petitioner has presented the instant Execution Petition seeking the following reliefs:

- a) To execute the order dated 12th July, 2013 in Appeal no. 138 of 2013 in the matter of Tamil Nadu Generation & Distribution Co. Ltd. vs T T Industries & Anr. R/W order dated 17th April, 2012 in Appeal No. 11 of 2012 in the matter of Tamil Nadu Generation & Distribution Co. Ltd. & Anr. Vs M/s. Indian Wind Power Association & Ors. thereby to recover the amount of Rs.70,52,144/- (Rs. Seventy Lakh Fifty Two Thousand and One

Hundred Forty Four Only) towards interest along with further interest till its actual realization.

- b) To pass such other and further order or orders as this Appellate Tribunal may deem fit and proper in the facts and circumstances of the case.

Heard the learned counsel appearing for the Petitioner and the learned counsel Mr. S. Vallinayagam appearing for the Respondent No.1 for quite some time.

The learned counsel appearing for the Respondent No.1 Mr. S. Vallinayagam on instructions submitted that the prayers sought by the Appellant in the instant Execution Petition have been complied with. Therefore, he submitted that the instant Execution Petition filed by the Petitioner may be disposed of.

Per Contra, the learned counsel appearing for the Petitioner inter alia contended and submitted that the prayer sought in the Execution Petition have been complied with substantially. However, so far as it relates to Machine No. 2174 a sum of Rs. 1,14,903/- (Rupees one lakh fourteen thousand nine hundred three only) has not yet been paid on the ground that it has not been the subject matter of the instant Execution Petition. As against this the learned counsel appearing for the Respondent No.1 on instructions submitted that this has not been the

subject matter neither before the State Commission nor before this Tribunal.

Submissions made by the learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent No.1, as stated supra, are placed on record.

In the light of the statement made by the learned counsel appearing for the petitioner and the learned counsel appearing for the Respondent No.1, the instant Execution Petition stand disposed of reserving liberty to the Petitioner so far it relates to Machine No. 2174 for a sum of Rs. 1,14,903/- (Rupees one lakh fourteen thousand nine hundred three only) to redress their grievances as per the terms and conditions contained in the Power Purchase Agreement before the Respondent No.2. In the event such grievance is redressed by the Petitioner before the Respondent No.2, the Respondent No.2/the State Commission is directed to consider and pass appropriate order in accordance with law and dispose of the matter as expeditiously as possible at any rate within four weeks from the date of application to be filed the Petitioner.

With these observations, the instant Execution Petition 01 of 2018 in Appeal No. 138 of 2013 stands disposed of.

(Ravindra Kumar Verma)
Technical Member

mk/bn

(Justice N. K. Patil)
Judicial Member