

COURT - I

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

**APPEAL NO. 58 OF 2017 &
IA NOS. 162, 163 & 363 OF 2017**

Dated: 16th May, 2017

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

In the matter of :

**M/s Monnet Ispat & Energy Ltd. ...Appellant(s)
Vs.
Chhattisgarh State Electricity Regulatory Commission & Anr. ...Respondent(s)**

**Counsel for the Appellant(s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Anshu Mahajan
Mr. Ruth Elwin
Mr. Karan Arora a/w
Mr. D. K. Singh (Rep.)**

**Counsel for the Respondent(s) : Mr. Umesh Prasad for
Mr. C. K. Rai for R.1**

Ms. Suparna Srivastava for R.2

ORDER

During the course of hearing of this appeal, Counsel for Respondent No.2, Chhattisgarh State Power Distribution Company Limited had made a statement that without prejudice to rights and contention of Respondent No.2, no coercive steps will be taken against the Appellant. Mr. Sen, appearing for Appellant has drawn our attention to letter dated 15.05.2017 addressed by Chief Engineer(RA&MP), CSPDCL, Raipur addressed to the Appellant. Material portion of the said letter reads as under:-

“The NOC open access has not been issued to you in compliance with the clause of 5(3) of the Chhattisgarh State Electricity Regulatory Commission (Connectivity and Intra-State Open Access) Regulations, 2011. The CSPDCL is duty bound to Act in accordance with the aforesaid Regulation.

Thus the matter under appeal 58/2017 is completely different from the matter under the letter dated 29/04/2017 and it is not appropriate to relate it with appeal no.58/2017.”

Mr. Sen, learned counsel for the Appellant fears that open access is likely to be denied to the Appellant. Since we have partly heard this matter and we propose to finally dispose it of in the near future, we are of the opinion that in all fairness and without prejudice to the rights and contentions of Respondent No.2, Respondent No.2 should not take any coercive step against the Appellant. It appears that letter dated 15.05.2017 has been sent by Respondent No.2 to the Appellant on the basis of Clause 5(3) of the Chhattisgarh State Electricity Regulatory Commission (Connectivity and Intra-State Open Access) Regulations, 2011. However, all contentions of the parties including contentions of Respondent No.2 based on Clause 5(3) of the above-mentioned Regulations will be dealt with by us at the time of final hearing of this appeal. Since the appeal is being finally heard, in the circumstances of the case, we direct Respondent No.2 not to obstruct the short term open access being availed by the Appellant till the appeal is finally disposed of.

Needless to say that this interim direction will abide by the final order that will be passed in this appeal.

We direct the Appellant to file an additional affidavit in support of the allegation of backdating of a letter by Respondent No.2 within one week

after serving copy on the other side. Thereafter, Reply, if any, may be filed on or before 08.06.2017 after serving copy on the other side.

List the matter for further hearing on **18.07.2017 at 2.30 p.m.**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

pr/vg