

COURT - I

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

APPEAL NO. 98 OF 2016

APPEAL NO. 99 OF 2016

APPEAL NO. 129 OF 2016 & IA NO. 289 OF 2016

APPEAL NO. 130 OF 2016 & IA NO. 290 OF 2016

APPEAL NO. 187 OF 2016 & IA NO. 404 OF 2016

APPEAL NO. 188 OF 2016 & IA NO. 405 OF 2016

APPEAL NO. 189 OF 2016 & IA NO. 406 OF 2016

AND

APPEAL NO. 190 OF 2016 & IA NO. 407 OF 2016

Dated: 4th May, 2017

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

In the matter of :

APPEAL NO. 98 OF 2016

Rattan India Power Ltd.

...Appellant(s)

Vs.

Maharashtra Electricity Regulatory Commission & Ors.

...Respondent(s)

APPEAL NO. 99 OF 2016

Rattan India Power Ltd.

...Appellant(s)

Vs.

Maharashtra Electricity Regulatory Commission & Ors.

...Respondent(s)

**Counsel for the Appellant(s) : Mr. Amit Kapur
Mr. Vishrov Mukherjee
Ms. Raveena Dhamija**

**Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan for R.1
Ms. Deepa Chawan
Ms. Kiran Ghandi for R.2
Ms. Anushree Bardhan
Mr. Shubham Arya for R-3**

APPEAL NO. 129 OF 2016 & IA NO. 289 OF 2016

Adani Power Maharashtra Ltd. ...Appellant(s)
Vs.
 Maharashtra Electricity Regulatory Commission & Anr. ...Respondent(s)

APPEAL NO. 130 OF 2016 & IA NO. 290 OF 2016

Adani Power Maharashtra Ltd. ...Appellant(s)
Vs.
 Maharashtra Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. J.J.Bhatt, Sr. Adv.
 Ms.Poonam Verma
 Ms. Nishtha Kumar

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan for R.1
 Ms. Deepa Chavan
 Ms. Kiran Gandhi for R-2
 Ms. Anushree Bardhan
 Mr. Shubham Arya for R.3

APPEAL NO. 187 OF 2016 & IA NO. 404 OF 2016**APPEAL NO. 188 OF 2016 & IA NO. 405 OF 2016****APPEAL NO. 189 OF 2016 & IA NO. 406 OF 2016****AND****APPEAL NO. 190 OF 2016 & IA NO. 407 OF 2016**

Maharashtra State Electricity Distribution Co. Ltd. ...Appellant(s)
Vs.
 Maharashtra Electricity Regulatory Commission & Anr. ...Respondent(s)

Counsel for the Appellant(s) : Ms. Deepa Chawan
 Ms. Kiran Ghandhi

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan for R.1
 Mr. J.J.Bhatt. Sr. Adv.
 Ms. Poonam Verma
 Ms. Nishtha Kumar for R.2
 (A.Nos.187/16 &188/16)

Mr. Amit Kapur
Mr. Vishro Mukherjee
Ms. Raveena Dhamija for R.2
(A.No.189/16,190/16)

Ms. Anushree Bardhan
Mr. Shubahm Arya for R.3

ORDER

While disposing of the batch of appeals in Civil Appeal Nos. 5399-5400 of 2016, dated 11.04.2017, the Supreme Court has passed the following order. Relevant portion of the order reads as under:

“The Appellate Tribunal’s judgment and the Commission’s orders following the judgment are set aside. The Central Electricity Regulatory Commission will, as a result of this judgment, go into the matter afresh and determine what relief should be granted to those power generators who fall within clause 13 of the PPA as has been held by us in this judgment.”

In view of the above, the order impugned in these appeals is set aside and the matters are remanded to the State Commission for fresh adjudication in the light of the above direction of the Supreme Court.

The appeals are disposed of in the above terms. Needless to say that all connected IAs shall stand disposed of.

(I. J. Kapoor)
Technical Member

ts/kt

(Justice Ranjana P. Desai)
Chairperson