

**COURT - I**

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

**IA NO. 399 OF 2017 IN  
APPEAL NO. 163 OF 2017**

**Dated: 31<sup>st</sup> May, 2017**

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

**In the matter of :**

**Damodar Valley Corporation** **...Appellant(s)**

**Vs.**

**Jharkhand State Electricity Regulatory Commission & Anr.** **...Respondent(s)**

Counsel for the Appellant(s) : Mr. M.G.Ramachandran  
Ms. Anushree Bardhan

Counsel for the Respondent(s) : Mr. Farrukh Rasheed for R.1

Mr. Rajiv Yadav  
Mr. Gaurav Dudeja  
Mr. Sudhanshu Goel for R.2

Mr. Himanshu Shekhar  
Mr. Aabhas Parimal  
Mr. Jamnesh Kumar for  
Jharkhand Bijli Vitran Nigam Ltd.

**ORDER**

**IA NO.399 OF 2017**  
***(Appl. for stay)***

We have heard learned counsel for the parties. List the matter on **06.07.2017**. In the meantime, learned counsel for the respondents may file reply on or before 23.06.2017 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 30.06.2017 after serving copy on the other side. It appears that Respondent No.2 has filed an application before the State Commission praying for the following :-

- (a) *“Admit the present petition;*
- (b) *Pass on the surplus revenue accumulated by the Petitioner due to higher cost recovery from the consumers from 2006-07 to 2014-15 by refunding on immediate basis as also settled by the Hon’ble Commission in the Order dated 19.04.2017;*
- (c) *Pass necessary orders as may be deemed appropriate in the facts and circumstances of the case in the interest of justice;*
- (d) *Permit the petitioner to participate in the public hearing, as and when held in the interest of justice and equality.”*

Mr. M.G. Ramachandran, learned counsel for the Appellant apprehends that on that day, the State Commission may pass an order in relation to refund in terms of order dated 19.04.2017. Since the application is only for admission, we do not see any possibility of the State Commission passing any such order on that day i.e. 07.06.2017.

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Admit. Issue notice, returnable on 06.07.2017. Dasti, in addition is permitted. Issue Public Notice.

List the matter on **06.07.2017.**

**( I. J. Kapoor )**  
**Technical Member**  
*pr/kt*

**( Justice Ranjana P. Desai )**  
**Chairperson**