

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

**APPEAL NO. 23 OF 2015 & IA NOS. 47 OF 2015 & 161 OF 2016,**  
**APPEAL NO. 24 OF 2015, APPEAL NO. 25 OF 2015,**  
**APPEAL NO. 26 OF 2015 AND**  
**APPEAL NO. 296 OF 2014 & IA NOS. 460 & 461 OF 2014**

**Dated: 20<sup>th</sup> November, 2017**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member**  
**Hon'ble Mr. S.D. Dubey, Technical Member**

**APPEAL NO. 23 OF 2015 & IA NOS. 47 OF 2015 & 161 OF 2016,**  
**APPEAL NO. 24 OF 2015, APPEAL NO. 25 OF 2015 AND**  
**APPEAL NO. 26 OF 2015**

**In the matter of:**

**M/s Indian Cements Ltd. ...**

**Appellant(s)**

**Vs.**

**Andhra Pradesh Electricity Regulatory Commission & Ors. ...**

**Respondent(s)**

Counsel for the Appellant (s) : Mr. K. Gopal Choudhary  
For C. Gunaranjan

Counsel for the Respondent(s) : Mr. K.V. Mohan  
Mr. K.V. Balakrishnan for R-1  
Mr. D. Bharathi Reddy for R-2

**APPEAL NO. 296 OF 2014 & IA NOS. 460 & 461 OF 2014**

**In the matter of:**

**Essar Steel India Ltd. ...**

**Appellant(s)**

**Vs.**

**Andhra Pradesh Electricity Regulatory Commission & Anr. ...**

**Respondent(s)**

Counsel for the Appellant (s) : Mr. G. Umapathy  
Mr. Aditya Singh

Counsel for the Respondent(s) : Mr. K.V. Mohan  
Mr. K.V. Balakrishnan for R-1

**ORDER**

The learned counsel, Mr. K. Gopal Choudhary, appearing for the Appellant in Appeal Nos. 23 of 2015, 24 of 2015, 25 of 2015 and 26 of 2015, submitted that, in view of the judgment of the Supreme Court, it is to be seen that prayer sought in the instant Appeal,

survives consideration or not and, therefore, he requested that these matters may kindly be re-listed on 18.01.2018.

Submissions made by Mr. K. Gopal Choudhary, learned counsel appearing for the Appellant, at supra, placed on record.

Further, learned counsel, Mr. G. Umopathy, appearing for the Appellant in Appeal No. 296 of 2014, submitted that there is an insolvency proceeding admitted against the Appellant by National Company Law Tribunal, Ahmedabad Bench in CP No. (I.B)39/7/NCLT/AHM/2017 and CP No. (I.B)40/7/NCLT/AHM/2017. Therefore, he submitted that the instant Appeal may be kept in abeyance till the final outcome of the Order dated 02.08.2017 passed by National Company Law Tribunal, Ahmedabad Bench in proceedings, being CP No. (I.B)39/7/NCLT/AHM/2017 and CP No. (I.B)40/7/NCLT/AHM/2017.

Further, he sought permission to file the copy of Common Order dated 2.8.2017 passed in CP No. (I.B)39/7/NCLT/AHM/2017 and CP No. (I.B)40/7/NCLT/AHM/2017 by National Company Law Tribunal, Ahmedabad Bench.

The submission made by Mr. G. Umopathy, learned counsel appearing for the Appellant in Appeal No. 296 of 2014, at supra, placed on record.

Mr. G. Umopathy, learned counsel appearing for the Appellant in Appeal No. 296 of 2014 is permitted to file the copy of the Common Order dated 2.8.2017 passed in CP No. (I.B)39/7/NCLT/AHM/2017 and CP No. (I.B)40/7/NCLT/AHM/2017 by National Company Law Tribunal, Ahmedabad Bench in the Registry of this Tribunal as requested.

As agreed by the learned counsel appearing for the parties, re-list these matters for hearing on 18.01.2018,

**(S.D. Dubey)**  
**Technical Member**  
ss/vt

**(Justice N.K. Patil)**  
**Judicial Member**