

COURT-I

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

Appeal No. 360 of 2017

Dated: 21st November, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

Mr. Rama Shanker Awasthi

.... Appellant(s)

Vs.

Bajaj Energy Private Limited & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Shubham Arya

Counsel for the Respondent(s) : Mr. Vivek Tankha, Sr. Adv.
Mr. Sanjeev Kr. Singh
Mr. Alok Agarwal
Mr. Mayank Bushan
Mr. Prashant Shivarajan
Ms. Nikita Choukse
Ms. Radhika Seth for R-1

Mr. Rajiv Srivastava
Ms. Garima Srivastava
Ms. Gargi Srivastava for R-2

Mr. C. K. Rai
Mr. Umesh Prasad
Mr. Mohit Rai for R-3

ORDER

We must note the preliminary objection raised by Respondent Nos. 1 and 2. It is submitted by the counsel that the issue of re-determination of

final tariff order is to be heard by the State Commission on 15.12.2017, the result of which might render this appeal infructuous.

On the other hand, it is submitted by learned counsel for the Appellant that even if the final tariff is re-determined, the present appeal would not become infructuous. We express no opinion on the rival contentions. This being a statutory appeal, we admit it. Needless to say that if due to any circumstance the appeal becomes infructuous, parties are at liberty to approach this Tribunal. Appropriate order will be passed at that time after hearing the parties.

List the matter on **05.02.2018**. In the meantime, learned counsel for the respondents may file reply on or before 04.01.2018 after serving copy on the other side. Rejoinder may be filed within two weeks thereafter.

(S.D. Dubey)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/ss