

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

ORDER ON IA NO. 1329 OF 2018 IN APPEAL NO. 107 OF 2015 AND
APPEAL NO. 117 OF 2015 ON THE FILE OF THE APPELLATE
TRIBUNAL OF ELECTRICITY, NEW DELHI

Dated: 26th September, 2018

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

IA NO. 1329 OF 2018 IN
APPEAL NO. 107 OF 2015

IN THE MATTER OF:

1. Haryana Power Purchase Centre
Shakti Bhawan, Sector 6
Panchkula-134009, Haryana

2. Haryana Power Generation Corporation Limited
Urja Bhawan, C-7, Sector 6
Panchkula, 134009, Haryana

.....Appellants

VERSUS

1. Haryana Electricity Regulatory Commission
Bays No. 33-36, Sector 4
Panchkula – 134112, Haryana

2. Lanco Amarkantak Power Ltd.
Lanco House, Plot No. 397, Phase - III
Udyog Vihar, Gurgaon - 122016

3. PTC India Limited
2nd Floor, NBCC Tower,
15 Bhikaji Cama Place
New Delhi – 110066

4. Chhattisgarh State Power Trading Company
Vidyut Seva Bhwaran, Danganiya,
Raipur – 492013, Chhattisgarh

.....Respondents

Counsel for the Appellant(s) : Ms.Anushree Bardhan

Counsel for the Respondent(s) : Mr. Deepak Khurana for R-2

APPEAL NO. 117 of 2015

IN THE MATTER OF:

LANCO AMARKANTAK POWER LIMITED

Lanco House, Plot No. 397 Phase III,
Udyog Vihar, Gurgaon – 122 016
Through its Authorized Signatory (Mr. Anil Sharma)

.... Appellant

Versus

1. Haryana Electricity Regulatory Commission
Bays No. 33-36, Sector – 4,
Panchkula 134 112,
Haryana (through its Secretary)
2. M/s. Haryana Power Generation Corporation Limited
Urja Bhawan, C-7, Sector 6,
HPGCL, Panchkula 134 109,
Haryana (through its Managing Director)
3. M/s. Haryana Power Purchase Centre (on behalf of M/s Haryana Power
Generation Corporation Ltd.).
2nd floor, Shakti Bhawan, Sector -6,
Panchkula 134109, Haryana (through its Chief Engineer)
4. PTC India Ltd.
2nd Floor, NBCC Tower, 15,
Bhikaji Cama Place,
New Delhi – 110 066
(Through its Chairman and Managing Director)
5. Chhattisgarh State Power Trading Co. Ltd.
Vidyut Seva Bhavan, Danganiya,
Raipur-492013, Chhattisgarh,
(Through its Managing Director)

....Respondent(s)

Counsel for the Appellant(s) Mr. Deepak Khurana

Counsel for the Respondent(s) Ms. Anushree Bardhan for R-2

The Appellant has sought the following reliefs in the instant IA, being IA No. 1329 of 2018 in Appeal No. 107 of 2015 and Appeal No. 117 of 2015:

- (a) Pass an Order directing HERC to forthwith pass consequential Order in terms of the judgment dated 21.03.2018 passed by this Hon'ble Tribunal in Appeal No. 117/2017, preferably within a week;
- (b) Pass such other and further Order(s) as this Hon'ble Tribunal may deem fit I the facts and circumstances of the present case.

ORDER

PER HON'BLE MR. JUSTICE N. K. PATIL, JUDICIAL MEMBER

1. We have heard learned counsel, Mr. Deepak Khurana, appearing for Lanco Amarkantak Power Limited, i.e. second Respondent in Appeal No. 107 of 2015 and the Applicant in Appeal No. 117 of 2015 (hereinafter referred to as the "**Applicant**"), on IA No. 1329 of 2018 seeking appropriate Orders/Directions, for quite some time.

2. During the course of the submissions, the learned counsel appearing for the Applicant submitted that, the instant application may kindly be dismissed as withdrawn reserving liberty to the Applicant to redress their grievance before the appropriate Legal Forum. All the contentions of the Appellant may kindly be left open in the interest of justice and equity.

3. Submission made by the learned counsel appearing for the Applicant, as stated supra, is placed on record.

4. In the light of the submissions made by the learned counsel appearing for the Applicant and having regard to the facts and circumstances of the case, the instant IA No. 1329 of 2018 in Appeal No. 107 of 2015 and Appeal No. 117 of 2015 is dismissed as withdrawn at the risk of the learned counsel appearing for the Appellant reserving liberty to the Appellant to redress their grievance before the appropriate Legal Forum, if they so advised or the need arises. All the contentions of the Applicant are left open.

5. With these observations, the instant IA, being IA No. 1329 of 2018 in Appeal No. 107 of 2015 and Appeal No. 117 of 2015, filed by the Applicant stands disposed of.

Order accordingly.

(S. D. Dubey)
Technical Member
vt/kt

(Justice N. K. Patil)
Judicial Member