

**Before the Appellate Tribunal for Electricity**  
( Appellate Jurisdiction )

**Appeal No. 53 of 2011 &**  
**IA- 89 of 2011**

**Dated : 9<sup>th</sup> May, 2011**

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson**  
**Hon'ble Mr. V.J. Talwar, Technical Member**

Reliance Infrastructure Limited .... Appellant(s)

Versus

M/s Wardha Power Co. Ltd. & Anr. ....Respondent(s)

**Counsel for the Appellant(s): Mr. Ramji Srinivasan, Sr. Adv. with**  
**Mr. Hasan Murtaza**

**Counsel for the Respondent(s): Mr. M.G. Ramachandran, Mr. Sanjay Sen,**  
**Mr. Hemant Singh, Ms. Sneha &**  
**Mr. Ramesh Kumar (Rep.) for R.1**

**ORDER**

We have heard the learned counsel for the parties in I.A. No. 89 of 2011 seeking for the stay of the operation of the impugned Order dated 15.04.2011.

Having regard to the submission made by the learned counsel for the parties and also in view of the circumstances referred to in the I.A., in the appeal grounds as well as in the reply filed by the Respondent, we feel that there is no prima facie case made out to grant stay of the operation of the impugned Order because of the reason that the issue raised in the Appeal, in our view, is to be decided by the State Commission alone. Under the above

circumstances, we feel that the Appeal itself could be disposed of by giving suitable direction to the State Commission.

Thus, we deem it appropriate to direct the State Commission to go on with the final hearing of the matter without giving any further adjournment from 16<sup>th</sup> May, 2011 onwards.

Accordingly, the State Commission is directed to take up the matter on 16<sup>th</sup> May, 2011, on which date the matter is posted for hearing, and proceed with the matter, preferably on day today basis, by giving an opportunity of hearing to both the parties and allow them to place the respective materials.

The State Commission may decide the issue in the light of the materials already available on record and as well as on the basis of the materials placed by both parties during the course of the proceedings uninfluenced by any of the findings rendered by the State Commission earlier.

The proceedings shall be concluded on or before 31.05.2011 and the Order shall be pronounced within one week thereafter.

Both the parties assure and undertake that they would cooperate with the State Commission for early disposal of the

matter within the time frame and they would not seek any adjournment in the matter.

With these observations, the I.A. as well as the Appeal is disposed of.

**( V.J. Talwar )**  
**Technical Member**

**(Justice M. Karpaga Vinayagam )**  
**Chairperson**

**TS/KS**