

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

**APPEAL NO. 151 OF 2008
I. A. No. 39 OF 2009 & CONTEMPT PETITION NO. 1 OF 2009**

Dated: 16th March, 2009

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member**

**Uttar Pradesh Power Corporation Ltd. ... Appellant/Petitioner(s)
Versus
Central Electricity Regulatory Commission and Ors. ... Respondent/Respondents**

Counsel for the Appellant/ (s) : Mr. Ravi Prakash

Counsel for the Respondent (s) : Mr. G. Umapathy
Mr. Vibhu Tiwari for Resp. 2

ORDER

As directed by this Tribunal Mr. S.K. Aggarwal, Director (Finance), UPPCL, has filed an affidavit giving fresh undertaking for making periodical payments.

Mr. T.K. Srivastava, who earlier filed the affidavit of undertaking has now filed a counter affidavit for Respondent No.2, in the Contempt Petition explaining the circumstances under which the UPPCL has not been able to comply with the order in time.

Mr. G. Umapathy, the learned counsel appearing for the Respondent requests this Tribunal to take into consideration the fresh undertaking seeking for some more time for making the payments in installments and pass the appropriate order subject to the

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(2)

condition that they shall handover the post dated cheques for the said amount.

In the circumstances, we feel that it would be appropriate to direct UPPCL the Petitioner/Appellant to comply atleast with this undertaking which has been given now for making payments within the dates mentioned. The undertaking given by the Respondent/Contemnor is as follows.

“Without prejudice to any of its rights or contentions, the Respondent hereby and in compliance with the order dated 19th December, 2008 makes a payment of INR 5 crores to the Applicant, through the cheque number 202025 dated 07.03.2009 drawn in favour of M.P. Power Trading Company Limited, SBI Account No. 30062572610.

The Respondent seeks the indulgence of this Hon’ble Tribunal for allowing the Respondent to make the outstanding payments, in subsequent installments of Rs. 10 Crore (April 09), Rs, 20 Crore (May 09) Rs. 30 Croes (June 09), Rs. 30 Crore (July 09), Rs. 30 Crore (August 09) and Rs. 22.52 Crore (September 09).”

Today the learned counsel for UPPCL, the Respondent/Contemnor is handing over a cheque for Rs. 5 Crore (Rupees five crores only) to Mr. Umopathy, the learned counsel for the Petitioner in contempt petition. This has been received. The UPPCL, the Contemnor is directed to give post dated cheques for Rs. 10 Crore (April 09), Rs, 20 Crore (May 09) Rs. 30 Croes (June 09), Rs. 30 Crore (July 09), Rs. 30 Crore (August 09) and Rs. 22.52 Crore (September, 2009) either to the Petitioner or to his Counsel Mr. Umopathy..

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The learned counsel for the Respondent in Contempt Petition submits that he will hand over the post dated cheques referred to above within 10 days from today. Accordingly, the same is permitted.

With these observations both the Petitions in I.A. 39 of 2009 and Contempt Petition No. 1 of 2009 are disposed of.

Post the main Appeal on **15th April, 2009**. In the meantime pleading be completed.

(A.A. Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

