

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APPEAL NO. 141 OF 2019 &
IA NOS. 598 & 599 OF 2019

Dated : 16th April, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

Maharashtra State Electricity Distribution Company Ltd. ... Appellant (s)
5th Floor, Prakashgadh, Plot No. G-9
Anant Kanekar Marg, Bandra (East)
Mumbai – 700 051

Versus

1. Maharashtra Electricity Regulatory Commission
World Trade Centre, Centre No.1
13th Floor, Cuffee Parade
Colaba, Mumbai – 400 005

2. Rajlakshmi Minerals
D.No.1499/1, P.O. Box No. 38,
Post Hospet 585 201, Bellary District
Karnataka

... Respondent (s)

Counsel for the Appellant(s) : Mr. Ashish Singh
Mr. Anup Jain

Counsel for the Respondent (s) :

J U D G M E N T
PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

1. The Appellant has presented the instant Appeal seeking the following reliefs:

(a) Allow the present appeal and set aside the impugned order dated 26.03.2019 passed by the Ld. MERC in Case No. 26 of 2019

limited to the extent it imposes additional 1.25% penal interest per month over and above the DPC; and/or

(b) Pass such other Order(s) as this Tribunal may deem just and proper.

2. In the instant Appeal, Maharashtra State Electricity Distribution Company Ltd. in short, the “**Appellant**”) is questioning the legality and validity of the Impugned Order dated 26.03.2019 passed in Case No. 26 of 2019 by the Maharashtra Electricity Regulatory Commission, Mumbai.
3. Heard the learned counsel, Mr. Ashish Singh, appearing for the Appellant for quite some time. During the course of his submissions, the counsel for the Appellant submitted that, the instant appeal, being Appeal No. 141 of 2019, may kindly be disposed of reserving liberty to the Appellant to file a review petition for reviewing the Impugned Order dated 26.03.2019 passed in Case No. 26 of 2019 so far as it relates to the limited extent it imposes additional 1.25% penal interest per month over and above the DPC on the file of the Maharashtra Electricity Regulatory Commission, Mumbai (first Respondent herein) within a period of two weeks from the date of the receipt of the copy of this Order.
4. All the contentions and grounds urged by the Appellant in the instant appeal may kindly be left open.
5. Submissions of the learned counsel appearing for the Appellant, as stated supra, are placed on record.
6. In the light of the submissions of the learned counsel appearing for the Appellant, as stated supra, the instant appeal, being Appeal No. 141 of 2019, on the file of the Appellate Tribunal for Electricity, New Delhi stands disposed of reserving liberty to the Appellant to file a review petition for reviewing the Impugned Order dated 26.03.2019

passed in Case No. 26 of 2019 so far as it relates to the limited extent it imposes additional 1.25% penal interest per month over and above the DPC on the file of the Maharashtra Electricity Regulatory Commission, Mumbai (first Respondent herein) within a period of two weeks from the date of the receipt of the copy of this Order.

7. It is needless to clarify that, in the event, the Appellant could not get any relief in the review petition filed before the first Respondent/ Maharashtra Electricity Regulatory Commission, it is open to the Appellant to question the correctness of the impugned Order dated 26.03.2019 before this Tribunal if they so advised or need arises.
8. All the contentions and grounds urged by the Appellant in the instant appeal are left open.
9. With these observations the instant appeal, being Appeal No. 141 of 2019, on the file of the Appellate Tribunal for Electricity, New Delhi stands disposed of.

IA NOs. 589 & 599 of 2019

In view of the Appeal No. 141 of 2019 on the file of the Appellate Tribunal for Electricity, New Delhi being disposed of, the reliefs sought in IA Nos. 589 & 599 do not survive for consideration and, hence, stand disposed of.

Order accordingly.

(Ravindra Kumar Verma)
Technical Member
mk/js

(Justice N.K. Patil)
Judicial Member