

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

APL No. 135 OF 2020 & IA No. 1313 OF 2021 & IA No. 1843 OF 2020 &
IA No. 1251 OF 2021

Dated: 3rd September, 2021

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

In the matter of:

NHPC Ltd. Appellant(s)

Versus

Powergrid Corporation of India Ltd. & Ors. Respondent(s)

Counsel on record for the Appellant(s): **Mr. Sachin Datta, Sr. Adv**
Mr. Rajiv Shankar Trivedi
Mr. Sushant Sarkar
Mr. Rishabh Jain

Counsel on record for the Respondent(s): **Ms Ranjitha Ramachandran**
Mr. Shubham Arya for R-1

Mr. R. B. Sharma
Mr. Mohit K. Mudgal
Mr. Sachin Dubey for R-13

Mr. Anand K. Ganesan for R-19

ORDER

This matter has been taken up by video conference mode on account of pandemic conditions, it being not advisable to hold physical hearing.

IA No. 1313 OF 2021
(For urgent listing)

The matter having been listed before us, the application filed by the applicant/appellant having served its purpose stands disposed of.

APL No. 135 OF 2020, IA No. 1843 OF 2020 &
IA No. 1251 OF 2021

The learned senior counsel Mr. Sachin Datta representing the Appellant - NHPC Ltd. submitted that this Tribunal passed order dated 01.10.2020 in IA No. 569 of 2020 wherein the operative part of the order reads as under:

“After some hearing, attention having been drawn to the communication dated 22.09.2020 of the Executive Director of the appellant addressed to the Executive Director of the first respondent, the learned senior counsel, Mr. Sachin Datta appearing for the appellant, having taken instructions, submitted that the appellant is ready and willing to pay to the first respondent the principal amount of Rs. 74,78,43,000/- within four weeks in terms of the impugned decision to the first respondent forthwith, without prejudice to the contentions urged in this appeal and subject to decision thereupon by this Tribunal, his request being that the demand of the first respondent towards interest liability on the aforementioned amount also to be discharged to be presently stayed and the payment made in terms of the above undertaking to be subject to restitution with interest in the event of the appellant being

successful. We find the above submissions fair and just as an interim measure and, therefore, order accordingly.”

He further submitted that now Power Grid Corporation of India Limited, the Respondent No.1 herein, has raised the invoice dated 17.08.2020 subsequent to the revision order passed by the Central Commission.

The Appellant is aggrieved by the fact that in spite of relief given by this Tribunal in terms of payment of the interest after having paid the principal amount, the interest and surcharge liability still persists by way of invoice being raised by the Power Grid Corporation of India Limited. The learned counsel representing PGICL submits that raising of invoice is an exercise which is to be carried out by them as per the orders passed by the Central Commission, however, no coercive action will be taken by them.

Be listed for hearing on **15.03.2022.**

(Justice R.K. Gauba)
Judicial Member
mk/nr

(Ravindra Kumar Verma)
Technical Member