

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 297 OF 2019 & IA No. 2432 OF 2023 & IA No. 1276 OF 2019

Dated: 24th November, 2023

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member(Electricity)

In the matter of:

Jindal India Thermal Power Limited Appellant(s)

Versus

Odisha Electricity Regulatory Commission & Respondent(s)
Ors.

Counsel on record for the Appellant(s) : Matrugupta Mishra
Shikha Ohri
Shourya Malhotra
Omar Waziri
Pratiksha Chaturvedi
Samyak Mishra For App1

Counsel on record for the Respondent(s) : Rutwik Panda
Ganesan Umapathy
Anshu Malik For Res1
Arijit Maitra For Res2
Arunav Patnaik
Shikhar Saha
Anandini Kuma For Res3

ORDER

IA-1276/2019 - (For interim relief) and
IA-2432/2023 -(For vacation of stay) (R-2)

After submissions were put forth for some time, both on behalf of the second Respondent and on behalf of the Appellant, Mr. Sajan Poovayya, Learned Senior Counsel appearing on behalf of the Appellant, submitted that, instead of adjudicating the application to vacate stay, this Tribunal may permit them to withdraw IA No.1276 of 2019 itself, and consider taking up Appeal No. 297 of 2019 for hearing at the earliest.

In light of this submission of the Learned Senior Counsel, it is unnecessary for us to consider the submissions urged by Shri Arijit Maitra, Learned Counsel for the second Respondent, that the interim order passed by this Tribunal earlier should be vacated. IA No. 1276 of 2019 stands dismissed as withdrawn. Consequently, no orders need be passed in IA No. 2432 of 2023 (for vacation of stay) and the said IA is closed. Needless to state that, as a result of I.A. No. 1276 of 2019 being dismissed as withdrawn, the Interim Order passed therein shall cease to remain in force.

It is made clear that we have not expressed any opinion on the submissions put forth by the Learned Counsel regarding the scope and purport of the interim order passed by the Orissa High Court in IA No. 4241 of 2022 in WP(C) No. 18150 of 2018 dated 29.04.2022, as such submissions can only be urged before the Orissa High Court, and not in an appeal preferred before this Tribunal against the order passed by the State Commission.

With regards the Appellant's request for an early hearing, what is listed before us is only the IA for vacation of stay and, since the main appeal is listed before Court-II, any request for an out of turn hearing must be made before Court-II, and not before us.

IA No.1276/2019 (For interim relief) is dismissed as withdrawn, and IA No.2432/2023 (For vacation of stay) stand disposed of accordingly.

APL-297/2019

Let the appeal be re-included in the List of Finals of Court-II, to be taken up from there in its turn.

Seema Gupta
Technical Member

Justice Ramesh Ranganathan
Chairperson

mk/sk