

COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 260 OF 2022 & IA No. 769 OF 2024 & IA No. 995 OF 2022
APL No. 261 OF 2022 & IA No. 770 OF 2024 & IA No. 992 OF 2022

Dated: 5th July, 2024

Present: Hon'ble Mr. Sandesh Kumar Sharma, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member

In the matter of:

APL No. 260 OF 2022 & IA No. 769 OF 2024 & IA No. 995 OF 2022

ACME Phalodi Solar Energy Private Limited & Ors. Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the
Appellant(s)

: Vishrov Mukerjee
Rohit Venkat V
Janmali Gopal Rao Manikala
Yashaswi Kant
Girik Bhalla
Priyanka Vyas
Damodar Solanki
Juhi Senguttuvan
Anamika Rana for App. 1
Vishrov Mukerjee
Rohit Venkat V
Janmali Gopal Rao Manikala
Yashaswi Kant
Girik Bhalla
Priyanka Vyas
Damodar Solanki
Juhi Senguttuvan
Anamika Rana for App. 2
Vishrov Mukerjee
Rohit Venkat V
Janmali Gopal Rao Manikala

Yashaswi Kant
Girik Bhalla
Priyanka Vyas
Damodar Solanki
Juhi Senguttuvan
Anamika Rana for App. 3

Counsel on record for the
Respondent(s)

: Pritha Srikumar Iyer
Sulabh Rewari
Neha Mathen
Kaustav Saha
Nikita garg
Anirudh Gotety
Mansvini jain
Aditya Rajagopal
Atharv Gupta
Abhyudaya Shishodia for
Res. 1

Anushree Bardhan
Tanya Sareen
Srishti Khindaria
Surbhi Kapoor
Aneesh Bajaj for Res. 2

Suparna Srivastava for Res.
3

Hemant Singh
Mridul Chakravarty
Biju Mattam
Supriya Rastogi Agarwal
Lakshyajit Singh Bagdwal
Ankita Bafna
Chetan Kumar Garg
Robin Kumar
Harshit Singh
Lavanya Panwar
Alchi Thapliyal for Res. 4

Hasan Murtaza for Res. 5

APL No. 261 OF 2022 & IA No. 770 OF 2024 & IA No. 992 OF 2022

ACME Deoghar Solar Power Private Limited & Ors. Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the
Appellant(s)

: Vishrov Mukerjee
Rohit Venkat V
Janmali Gopal Rao Manikala
Yashaswi Kant
Girik Bhalla
Priyanka Vyas
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Juhi Senguttuvan
Anamika Rana for App. 1
Vishrov Mukerjee
Rohit Venkat V
Janmali Gopal Rao Manikala
Yashaswi Kant
Girik Bhalla
Priyanka Vyas
Damodar Solanki
Juhi Senguttuvan
Anamika Rana for App. 2
Vishrov Mukerjee
Rohit Venkat V
Janmali Gopal Rao Manikala
Yashaswi Kant
Girik Bhalla
Priyanka Vyas
Damodar Solanki
Juhi Senguttuvan
Anamika Rana for App. 3

Counsel on record for the
Respondent(s)

: Pritha Srikumar Iyer
Sulabh Rewari
Neha Mathen

Kaustav Saha
Mansi Binrajka
Anirudh Gotety
Mansvini jain
Aditya Rajagopal
Atharv Gupta
Abhyudaya Shishodia for
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Lakshyajit Singh Bagdwal
Ankita Bafna
Chetan Kumar Garg
Harshit Singh
Lavanya Panwar
Alchi Thapliyal
Robin Kumar for Res. 4

ORDER

IA Nos. 769 & 770 OF 2024
(For Directions) (R-4)

The present IAs have been filed in the light of the judgment passed by the Supreme Court of India in Civil Appeal Nos. 3873 & 3874 of 2024 read with Civil Appeal nos. 3942-3943 of 2023.

The Supreme Court has while observing that;

“In view of the pendency of the appeal before APTEL, we are not expressing any final opinion on the merits of the rival submissions which have been urged by Mr. Mukul Rohatgi, senior counsel appearing on behalf of the Appellants and Mr. Parag P. Tripathi, senior counsel appearing on behalf of the respondents. However, we are of the view that since an arguable point has arisen which would fall for interpretation by APTEL, an order for vacating the stay was not warranted.

Accordingly, we allow the appeals by setting aside the impugned order dated 14 December 2023 and restore the ad interim order dated 8 July 2022 pending the disposal of the appeal by APTEL”.

Further the Supreme Court has held as under:-

“However, it has been agreed both by the appellants and the respondents that parties would jointly move APTEL for an expeditious decision of the appeal and shall not seek any undue adjournments in complying with the time schedule that may be set by the APTEL. APTEL shall deal with any such request consistent with the exigency of its own work”.

Here, the Supreme Court has categorically stated that this Tribunal shall deal with any such request of the contesting parties for an expeditious decision in the appeal considering the exigencies of the work in this Tribunal. It is to mention that presently Court 2 ‘the relevant court’ is hearing matters pertaining to the year 2015 to 2017 whereas the present matter is of the year, 2022. On being asked, whether the matter has short issue so that it can be taken up on priority and as part of the List of Short Matters, the contesting parties confirmed that the matter may take longer time and cannot be considered as short matter.

Accordingly, considering exigency of work and the procedure followed by this Tribunal to hear the matter strictly in chronology ie the older one is to be taken as first, the matter is included in the ‘List of Finals’, to be taken up from there in its turn.

The IAs are accordingly disposed of.

(Virender Bhat)
Judicial Member

js/mkj

(Sandesh Kumar Sharma)
Technical Member (Electricity)