

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 269 OF 2025 & IA No. 1203 OF 2025

Dated: 26th August, 2025

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

In the matter of:

M/s. Lanxess India Pvt. Ltd.

.... Appellant(s)

Versus

Madhya Pradesh Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel on record for the Appellant(s) : Amit Kapur
Abhishek Ashok Munot
Kunal Kaul
Malcolm Dinyar Desai
Tushar Nagar
Samikrith Rao Puskuri
for App. 1

Counsel on record for the Respondent(s) :
for Res. 1

ORDER

The Appellant herein seeks an ex parte ad interim order. They contend that a notice dated 13.08.2025 was issued by the Madhya Pradesh Pachim Kshetra Vidyut Vitaran Company Ltd., Indore calling upon them to pay Rs. 85,77,872/- on or before 27.08.2025, failing which supply of electricity to them would be disconnected. A copy of the said notice is placed before us for our perusal, and it is submitted by Mr. Malcolm Desai, Learned Counsel for the Appellant, that a copy of the said notice was received by the Appellant only on 22.08.2025, leaving them with hardly any time to move an application to place this notice on record. Learned Counsel

would submit that the Appellant is a continuous process industry, and they would suffer irreparable injury if an ex-parte ad-interim order is not passed in their favour, more so as they are likely to suffer disconnection, as a result, tomorrow.

From a reading of the impugned order it is clear that it is the Appellant which had invoked the jurisdiction of the MPERC under Section 42, 86, 142, 146 and 149 of the Electricity Act. By the impugned order, the Commission, while overruling the Appellant's objection regarding limitation under Section 56(2) of the Electricity Act and holding that the drawal arrangements permitted under order dated 11.08.2024 ceased to have any legal effect beyond 10.12.2004, dismissed the petition as devoid of merit. Consequent upon dismissal of the said petition the impugned notice has been issued.

Since the Appellant is facing an imminent threat of disconnection and it is their claim that they would suffer irreparable injury as they are a continuous process chemical industry, we deem it appropriate to direct the 2nd Respondent not to take any coercive action for disconnection of power supply to the Appellant for a period of four weeks from today on condition that the Appellant pays Rs. 25 Lacs to the 2nd Respondent within one week from today.

Issue notice to the Respondents both in the main Appeal and in the IA returnable on 18.09.2025. Dasti notice is permitted. The said notice shall bear the next date of hearing.

List the IA for hearing on **18.09.2025.**

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

mk/dk