IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT-1

APPEAL NO. 435 OF 2022 &
IA NOs. 1885 & 1884 OF 2022

Dated : **19.05.2023**

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member

In the matter of:

Lanco Amarkantak Power Limited	....	Appellant(s)
Versus		
Haryana Electricity Regulatory Commission & Ors.	....	Respondent(s)

Counsel for the Appellant(s) : Deepak Khurana
Abhishek Bansal

Counsel for the Respondent(s) : Aditya Singh for R-2 & 3

ORDER

IA NO. 1885 OF 2022
(Application for Interim Relief)

The Present IA is filed by the Appellant seeking stay of operation of the impugned order dated 30.09.2022, to the extent the Appellant was called upon to provide fly ash, including pond ash, for the National Assets Creation Project (including NHAI) under the existing commitments; and, instead, the Appellant be permitted to dispose of ash to various other sources of utilization of ash as per the notification of the Ministry of Environment Forests and Climate Change (MoEF&CC) dated 31.12.2021.

The order of the Commission clearly records that, for the period from 22.09.2021, the Petitioner may provide fly ash (including pond ash) for the

National Assets Creation Project (including NHAI) under the existing commitments based on transportation rates.

It is unnecessary for us to dwell on this aspect any further, in the light of the submissions of Mr. Aditya Singh, learned Counsel for the 2nd Respondent, that the aforesaid observations of the Commission cannot be read as a mandate to the Appellant to provide fly ash only for the National Assets Creation Project, and not to others; and the specific stand of the 2nd Respondent, even in their reply, is that the aforesaid observations do not disable the Appellant from providing fly ash to others, apart from the National Assets Creation Projects. In the light of the submission urged on behalf of the 2nd Respondent, suffice it to dispose of the lA holding that, besides providing fly ash (including pond ash) for the National Assets Creation Project (including NHAI), it is open to the Appellant to provide fly ash (including pond ash) to others, strictly in terms of the notification issued by the Ministry of Environment Forests and Climate Change. The IA is disposed of accordingly.

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Learned counsel on either side state that pleadings are complete. Registry to verify and then include this Appeal in the **'List of Finals,** to be taken up from there in its turn.

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

Pr/ks/sk