

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 10525-10526 OF 2017

TALWANDI SABO POWER LTD. (TSPL) Appellant(s)

VERSUS

PUNJAB STATE ELECTRICITY REGULATORY  
COMMISSION (PSERC) & ANR. Respondent(s)

WITH

Civil Appeal No. 20966 of 2017

PUNJAB STATE POWER CORPORATION LTD. (PSPCL) Appellant(s)

VERSUS

TALWANDI SABO POWER LTD. (TSPL) & ANR. Respondent(s)

O R D E R

We have heard learned counsel for the parties and perused the record.

CIVIL APPEAL NO(S).10525-10526 OF 2017:

The only grievance in these appeals is against rejection of claim of the appellant towards coal washing and associated charges. The said claim is mentioned in para 5(xii) at page no.6 of the impugned order:

"5. (xii). The respondent No.2, however, refused to pay the coal washing and associated charges and has withheld approximately Rs 267 Crores till the December, 2015 bill, which are due on account of various components of 'Energy Charges'."

We find that the said issue is covered by judgment of this Court in Nabha Power Limited (NPL) v. Punjab State Power Corporation Limited (PSPCL), (2017) 12 SCALE 241, wherein vide para 73 it was held :

"73. We, thus, partly allow the appeal to the extent that the appellant is held entitled to the washing cost of coal, the transportation from the mine site via washing of coal to the project site inclusive of cost of road transportation for the period where it was necessary. The Calorific Value of the coal would have to be taken at the project site. All other claims in appeal stand rejected. The amount payable to the appellant as the consequences thereof be remitted within a period of three (3) months from the date of this order, failing which it would carry interest @ 12 per cent annum (simple interest). No costs."

Accordingly, the claim of the appellants shall stand allowed. In view of above, the appeals are disposed of.

CIVIL APPEAL NO(S).20966 OF 2017:

We do not find any ground to interfere with the impugned order.

The appeal is accordingly dismissed.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(ROHINTON FALI NARIMAN)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
March 7, 2018.

ITEM NO.5

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 10525-10526 OF 2017

TALWANDI SABO POWER LTD. (TSPL)

Appellant(s)

VERSUS

PUNJAB STATE ELECTRICITY REGULATORY  
COMMISSION (PSERC) & ANR.

Respondent(s)

(IA No.74601/2017-STAY APPLICATION and IA No.119890/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.119899/2017-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS FOR EXEMPTION FROM FILING C/C OF THE IMPUG.JUDGMENT-IA 74603/2017 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS - IA 78186/2017)

WITH C.A. No. 20966/2017 (XVII)

Date : 07-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Harish N. Salve, Sr. Adv.  
(C.A.10525-10526/17) Mr. C.S. Vaidyanathan, Sr. Adv.  
Ms. Anuradha Dutt, Adv.  
Ms. Fereshte D. Sethna, Adv.  
Mr. Anish Kapur, Adv.  
Ms. Atishree Sood, Adv.  
Mr. Dhritiman Roy, Adv.  
Ms. B. Vijayalakshmi Menon, AOR  
Ms. Arundati Khelkar, Adv.  
Mr. Kunal Dutt, Adv.

(C.A.20966/2017) Mr. M.G. Ramachandran, Adv.  
Mr. Anand Ganesan, Adv.  
Mr. Nikunj Dayal, AOR  
Mr. Pramod Dayal, Adv.  
Mr. Payal Dayal, Adv.  
Ms. Swapna Seshadri, Adv.

For Respondent(s) Mr. M.G. Ramachandran, Adv.  
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Mr. Pramod Dayal, Adv.  
Mr. Payal Dayal, Adv.  
Ms. Swapna Seshadri, Adv.

Mr. Sakesh Kumar, Adv.  
Ms. Charu Singhal, Adv.  
Mr. Karunakar Mahalik, AOR

Mr. Harish N. Salve, Sr. Adv.  
Mr. C.S. Vaidyanathan, Sr. Adv.  
Ms. Anuradha Dutt, Adv.  
Ms. Fereshte D. Sethna, Adv.  
Mr. Anish Kapur, Adv.  
Ms. Atishree Sood, Adv.  
Mr. Dhritiman Roy, Adv.  
Ms. B. Vijayalakshmi Menon, AOR  
Ms. Arundati Khelkar, Adv.  
Mr. Kunal Dutt, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In terms of the signed, C.A.NO(s)No.10525-10526 of 2017 are disposed of and C.A.No.20966 of 2017 is dismissed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

(Signed order is placed on the file)