

ITEM NO.2

COURT NO.2

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). 5983-5984/2021

UTTAR PRADESH POWER CORPORATION LIMITED & ORS. Appellant(s)

VERSUS

SANGAM POWER GENERATION COMPANY LIMITED & ANR. Respondent(s)

(FOR ADMISSION and IA No.124344/2021-STAY APPLICATION and IA No.124346/2021-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 6597/2021 (XVII)

(FOR ADMISSION and IA No.143303/2021-EXEMPTION FROM FILING O.T.)

Date : 14-12-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For the Parties: Mr. Parag Tripathi, Senior Advocate,
Mr. Buddy Ranganadhan, Advocate,
Mr. Aashish Gupta, Advocate,
Mr. Arjun Pall, Advocate,
Mr. Krishna Tangirala, Advocate,
Mr. Saarthak Jain, Advocate,
Mr. S. S. Shroff, AOR

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Vishal Gupta, *Advocate on Record*
Mr. Sumeet Sharma, *Advocate*
Mr. Divyanshu Gupta, *Advocate*
Mr. Aman Sharma, *Advocate*

UPON hearing the counsel the Court made the following
O R D E R

These cross appeals arise out of the judgment and order dated 14.07.2021 passed by the Appellate Tribunal for Electricity in Appeal Nos.259 and 295 of 2019.

Heard Mr. Parag P. Tripathi, learned Senior Advocate for U.P.

Power Corporation Ltd. & Ors. and Dr. Abhishek Manu Singhvi,
learned Senior Advocate for Sangam Power Generation Co. Ltd.

Both appeals are admitted.

All the concerned respondents in respective appeals be served immediately. Dasti in addition.

The appeals be listed for hearing before the appropriate Court after taking requisite direction from the Hon'ble the CJI.

Pending further consideration, there shall be interim relief in terms of paragraphs 8(a) (b) and (c) of application for stay in Civil Appeal Nos.5983-5984/2021.

For facility, prayers (a) (b) and (c) are extracted hereunder:

"a. stay the effect and operation of the Impugned Order dated 14.07.2021 passed by the Hon'ble Appellate Tribunal for Electricity in Appeal Nos.259 of 2019 and 295 of 2019.

b. direct the Respondent No.2 to keep alive the performance bank guarantees dated 30.01.2020 (bearing numbers 006571120000016, 006571120000017, 006571120000018, 006571120000019 and 006571120000020) for an amount of INR 99 crores during the pendency of the present proceedings.

c. stay the proceedings before the learned Uttar Pradesh Electricity Regulatory Commission in Petition dated 19.08.2021 instituted by the Respondent No.1 seeking verification of the Respondent No.1's claims in terms of the Impugned Order."

List the matter on 08.03.2022.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER