

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

Petition(s) for Special Leave to Appeal (C) No(s).19884/2019

[Arising out of impugned final judgment and order dated 29-05-2019 in DBCWP No.3662/2018 passed by the High Court of Judicature for Rajasthan at Jodhpur]

TANOT WIND POWER VENTURES PVT LTD

Petitioner(s)

VERSUS

RAJASTHAN ELECTRICITY REGULATORY
COMMISSION (RERC) & ORS.

Respondent(s)

(IA No. 122742/2023 - ADDITION/DELETION/MODIFICATION PARTIES, IA No. 91159/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 84358/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 70608/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 124705/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 70605/2020 - INTERVENTION/IMPLEADMENT, IA No. 84356/2023 - INTERVENTION/IMPLEADMENT, IA No. 30048/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 141883/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.242116/2024 - STAY APPLICATION, IA No. 10261/2020 - STAY APPLICATION)

Date : 21-11-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Avijit Roy, AOR
Mr. Rana S. Biswas, Adv.
Mr. Kartik Chettiar, Adv.
Mr. Akshay Babu, Adv.
Mr. Yash Tripathy, Adv.
Mr. Neelkandan Rahate, Adv.

For Respondent(s) Mr. Zoheb Hossain, AOR

Mr. Ranji Thomas, Sr. Adv.
Mr. V. N. Raghupathy, AOR

Mr. Vidhan Vyas, Adv.
Mr. Syecd Haider Shah, Adv.
Mr. Milind Kumar, AOR

Mr. Hasan Murtaza, AOR
Mr. Hemant Singh, Adv.
Mr. Chetan Garg, Adv.
Ms. Alchi Thapliyal, Adv.

Mr. Devashish Bharuka, Sr. Adv.
Mr. Divyakant Lahoti, AOR
Ms. Praveena Bisht, Adv.
Ms. Vindhya Mehra, Adv.
Mr. Kartik Lahoti, Adv.
Mr. Kumar Vinayakam Gupta, Adv.
Ms. Samridhi Bhatt, Adv.
Ms. Shreya Gokel, Adv.
Ms. Anushka Awasthi, Adv.

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

I.A. No.242116/2024

The instant interlocutory application has been moved by the petitioner seeking the following relief:

“(a) Grant Ad-interim stay of the notice of demand of DSM charges under the impugned regulation by the RRVPNL – Respondent No.2 dated 15.10.2024, during the pendency of the special leave petition filed against the impugned final judgement and order dated 29.05.2019, passed by the Hon’ble Division Bench of the High Court of Judicature at Jodhpur in D.B. Civil Writ Petition No.3662 of 2018.

(b) Pass such other or further order or directions as the Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. In order to make out a case for grant of *ad interim* injunction order, learned senior counsel for the petitioner has handed over photostat copy of the notice dated 13.11.2024, issued by the Office of Chief Engineer, Rajasthan Rajya Vidhyut Prasaran Nigam Limited, whereby the petitioner has been asked to deposit a sum of Rs.7,69,61,180/- towards Deviation Charges (DSM), besides Rs.2,72,53,486/- towards Late Payment Surcharge (LPS).

3. We have heard learned senior counsel/counsel for the parties

and perused the averments made in the application.

4. Without prejudice to the rights and claim of the parties and subject to the final outcome of the main case, the following *ad interim* directions are issued:

(i) The petitioner shall deposit 25% of the amount as demanded vide show-cause notice dated 13.11.2024, without prejudice to its right and as an interim measure within 10 days.

(ii) On deposit of that amount, no coercive action shall be taken by the respondent-authorities against the petitioner.

(iii) The petitioner's connection for supply of power generated by it in the main grid as well as the electricity supply to the petitioner for its day to day functioning - both are directed to be restored forthwith i.e., within 24 hours.

5. The main case is directed to be listed for final hearing on 11.12.2024.

6. The parties are, meanwhile, permitted to place on record additional documents.

I.A. No.70605/2020 & I.A. No.84356/2023

7. Having heard learned senior counsel/counsel for the applicants, we are satisfied that no effective relief can be granted to them in these applications. The same are, accordingly, disposed of with liberty to the applicants to approach the appropriate forum.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR