

ITEM NO.33

COURT NO.6

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). 4801/2018

INDIAN WIND POWER ASSOCIATION (NRC)

Appellant(s)

VERSUS

CENTRAL ELECTRICITY REGULATORY COMMISSION(CERC)
& ANR.

Respondent(s)

(IA No. 6550/2022 - APPROPRIATE ORDERS/DIRECTIONS)

IA NO. 67237/2018-STAY APPLICATION

IA NO. 114270/2018- CLARIFICATION/DIRECTION

IA NO. 151582/2018-INTERVENTION

IA NO. 169873/2018- INTERVENTION

IA NO. 171037/2018-APPROPRIATE ORDERS/DIRECTIONS

IA NO. 60148/2019-IMPLEADMENT

IA NO. 60154/2019- DIRECTIONS

IA NO. 5956/2020-INTERVENTION

IA NO. 6240/2020- APPROPRIATE ORDERS/DIRECTIONS

IA NO. 40205/2022- DIRECTIONS

Date : 09-05-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. Sajjan Poovayya, sr. Adv.

Mr. Venkatesh, adv.

Ms. Kanika Chugh, Adv.

Mr. Nitin Saluja, AOR

Mr. Nihaal Bhardwaj, Adv.

Mr. Ashutosh, Adv.

Mr. Abhishek Nangia, Adv.

Ms. Priyanka, Adv.

For Respondent(s)

Mr. Saurabh Mishra, AOR

Mr. Aditya Mishra, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv.

Mr. Dhruv Mehta, Sr. Adv.

Mr. Manssor Ali Shoket, Adv.

Mr. Nitin K., Adv.

Mr. Kunal Singh, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Tanmay Jain, Adv.
Mr. Karun Sharma, Adv.

Mr. Basava prabhu Patil, Sr. Adv.
Mr. Malcolm Desai, Adv.
Ms. Geet Ahuja, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.

Mr. Ashish Prasad, Adv.
Mr. Arpan Behl, Adv.
Mr. Zain Maqbool, Adv.
Mr. M. P. Devanath, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. K. R. Sasiprabhu, AOR
Mr. Gaurav Mitra, Adv.
Mr. Vishnu Sharma, Adv.

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

IA NO. 6550/2022, IA NO. 171037/2018 AND 169873/2018
(TATA POWER DELHI DISTRIBUTION LTD.)

On hearing learned counsel for parties, it transpires that in view of the clarification of the earlier orders by the order dated 14.05.2018, the interim orders granted on 08.05.2017 and 14.07.2017 were not to apply to RECs. on or after 01.04.2017. That being the position, the applicant(s) pray for refund of the amount deposited under the earlier interim orders.

The only aspect as urged in the affidavit of CERC and as canvassed by learned counsel is that the amount should be secured, something which learned counsel for the petitioner is agreeable to by securing the amount by a bank guarantee.

In view of the aforesaid applications are disposed of with a direction that CERC would refund the amounts on a bank guarantee being furnished securing the amount to be refunded to the applicant(s).

That refund should be made within two weeks of the appropriate bank guarantee being furnished.

The applications stand disposed of.

IA NOS. 40205/2022, IA NO. 5956/2020

Learned counsel for the applicant(s) states that they are identically situated as the applicant(s) qua which we have passed the order today. However, to verify the aspect, learned counsel for CERC requests for some time.

List on 17.05.2022.

IA NO. 114270/2018- CLARIFICATION/DIRECTION

Learned counsel for the applicant(s) states that they are in fact better situated than the applicant(s) in respect of which we have passed orders aforesaid and requests that the application may be taken up for consideration. The CERC to verify the aforesaid aspect. We may however, note that another applicant CPPA who has filed IA No.151582/2018 for impleadment is opposing this application.

The aforesaid applications be also listed on 17.05.2022.

All the pending applications be also listed on
17.05.2022.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)