

ITEM NO.2

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.4801/2018

INDIAN WIND POWER ASSOCIATION (NRC)

Appellant(s)

VERSUS

CENTRAL ELECTRICITY REGULATORY
 COMMISSION (CERC) & ANR.

Respondent(s)

(IA No. 6240/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No.75367/2022- APPROPRIATE ORDERS/DIRECTIONS)
 IA No. 60154/2019 - CLARIFICATION/DIRECTION
 IA No. 114270/2018 - CLARIFICATION/DIRECTION
 IA No. 40205/2022 - CLARIFICATION/DIRECTION

IA No. 151582/2018 - INTERVENTION APPLICATION
 IA No. 5956/2020 - INTERVENTION/IMPLEADMENT
 IA No. 60148/2019 - INTERVENTION/IMPLEADMENT
 IA No. 75028/2022-INTERVENTION/IMPLEADMENT
 IA No. 67237/2018 - STAY APPLICATION)

Date : 17-05-2022 These matters were 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.
 Mr. Nirbhay Shankar Tiwari, Adv.
 Mr. Rakesh Chander, 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. Wahengbam Immanuel Meitei, Adv.
 Mr. Manssor Ali Shoket, Adv.
 Mr. Nitin K., Adv.
 Mr. Kunal Singh, Adv.
 Mr. Tanmay Jain, Adv.

Mr. Gopal Jain, Sr. Adv.
 Mr. Hemant Singh, Adv.
 Mr. Biju Mattam, Adv.
 Mr. Lakshyajit Singh Bagdwal, Adv.
 Mr. Harshit Singh, Adv.
 Mr. Mridul Chakravarty, Adv.
 Mr. Hasan Murtaza, AOR
 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. Vishnu Sharma, Adv.

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

I.A.No.40205/2022, I.A.No.114270/2018 & I.A. No.151582/2018

It is not disputed that the applicants are identically situated to Tata Power Delhi Distribution Limited in respect of which we have passed orders on 09.5.2022 and thus the same Order would apply in respect of these applicants also.

It has been pointed out to us, and rightly so, in I.A. No.114270/2018 that in the first paragraph of the Order passed on 09.5.2022 the word "issued" has somehow been missed out and thus it should read as "the interim orders granted on 08.5.2017 and 14.7.2017 were not to apply to RECs issued on or after 01.4.2017".

Order stands modified.

Applications stand disposed of.

On hearing learned counsel for parties and learned counsel opposing the application, there is no reason pointed out to us why the order passed on 09.5.2022 in respect of Tata Power Delhi Distribution Limited should not equally apply to the present case.

Ordered accordingly and I.A.No.114270/2018 along with the application of the objector I.A. No.151582/2018 accordingly stands disposed of.

I.A.No.75367/2022

Issue notice.

Learned counsel accepts notice.

Learned counsel for the CERC seeks sometime to verify the position about parity with the case of Tata Power Daily Distribution Limited.

Learned counsel also submits that there are many parties who are members of the appellant's association (numbering 629) and they need time of 45 days for processing and accepting the bank guarantees.

List in the miscellaneous week in the month of July, 2022 after the summer recess.

I.A. No.5956/2020, I.A. No.60148/2019 & I.A. No. 75028/2022

On hearing learned counsel for parties we make it clear that such of the parties who were interventionists before the Appellate Tribunal will be permitted to be treated at par in the present proceedings also as interventionists.

IA No. 6240/2020 & I.A.60154/2019 stand disposed of in

terms already passed.

I.A. Nos.67237/2018 stands disposed of

Learned counsel for the Generators who are the appellant before us submits that they will not take more than 30 minutes for the submissions and the mike can be switched off after that. Learned counsel for the CERC states that they will in turn will also not take more than that much of time. For interventionists collectively we will grant 15 minutes.

Predicated on the aforesaid premise only we have expressed our willingness to set down the appeal for hearing.

Learned counsel for parties to file a short synopsis running into not more than three pages each as notified in the cause-list already one week before the date of hearing.

List in the week commencing 23rd August, 2022.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER