

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6083 OF 2017
WITH
I.A. NOS. 42490 AND 42496 OF 2017

INDIAN WIND POWER ASSOCIATION (NRC)

Appellant(s)

VERSUS

CENTRAL ELECTRICITY REGULATORY COMMISSION & ANR.

Respondent(s)

O R D E R

- 1) Application for intervention is allowed.
- 2) An I.A. being No. 42496/2017 has been filed by M/s Global Energy Private Limited for clarification of the order passed by this Court on 08.05.2017. It has been pointed out by Mr. Dhruv Mehta, learned Senior Counsel, appearing on behalf of the applicant, that in this Court, the appellant before us i.e. Indian Wind Power Association in C.A. No. 6083/2017 has itself sought for an alternative prayer in the following terms:

"(c) In the alternative, direct the Respondents to ensure that any obligated entity purchasing RECs at the floor price determined vide the order dated 30.03.2017 shall deposit the difference between the earlier floor price and the present Floor Price with the Respondent No.1, Central Commission during the pendency of the Appeal No. 105 of 2017 before the Appellate Tribunal;"

He, therefore, states that if we were to modify our earlier order and allow prayer (c), the interest of justice would be better served.

3) On the other hand, Mr. K.V. Vishwanathan, learned Senior Counsel appearing on behalf of the appellant in Civil Appeal No. 6083/2017 argues before us that this was only an alternative prayer, and, in any case, the matter itself is going to be heard by the Appellate Tribunal on 17.07.2017 and that, therefore, we ought to stay our hands until the Appellate Tribunal renders a final decision in the matter.

4) Having heard the learned counsel for the parties, we feel that there should be no problem if RECs were to be traded at the figures given previously.

5) That being the case, we now substitute our order dated 08.05.2017 by granting prayer (c) instead of staying the Appellate Tribunal's order.

6) With this modification/clarification, I.A. as well as the appeal stands disposed of.

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

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
July 14, 2017.

(Revised)
ITEM NO.52 COURT NO.13 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(s). 6083/2017

INDIAN WIND POWER ASSOCIATION (NRC) Appellant(s)

VERSUS

CENTRAL ELECTRICITY REGULATORY COMMISSION & ANR. Respondent(s)

(FOR INTERVENTION/IMPLEADMENT ON IA 42490/2017 FOR
CLARIFICATION/DIRECTION ON IA 42496/2017
FOR STAY APPLICATION ON IA 1/2017)

WITH

C.A. No. 6334/2017 (XVII)
(FOR EX-PARTE STAY ON IA 1/2017
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
2/2017)

Date : 14-07-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

Counsel for parties: Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Vishal Gupta, AOR
Mr. Abhishek Raj, Adv.

Mr. Dhruv Mehta, Sr. Adv.
Mr. Anil Kaushik, Adv.
Mr. Tanmaya Mehta, Adv.
Mr. Rajinder Singh, Adv.
Mr. Abhishek Mishra, Adv.

Mr. Sanjay Sen, Sr. Adv.
Ms. Mandakini Ghosh, Adv.
Mr. Parinay D. Shah, Adv.
Mr. Saransh Shaw, Adv.
Ms. Supriya Juneja, AOR

Mr. Nikhil Nayyar, AOR
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.

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

Civil Appeal No(s). 6083/2017:

Application for intervention is allowed.

Application for clarification as well as the appeal stands disposed
of in terms of the signed order.

Pending applications, if any, also stands disposed of.

C.A. No. 6334/2017:

List this appeal in the usual course.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)

ITEM NO.52

COURT NO.13

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). 6083/2017

INDIAN WIND POWER ASSOCIATION (NRC)

Appellant(s)

VERSUS

CENTRAL ELECTRICITY REGULATORY COMMISSION & ANR. Respondent(s)

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