

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 12324 OF 2016

[@CIVIL APPEAL D. NO. 32409 OF 2016]

HARYANA VIDHYUT PRASARAN NIGAM LTD.

Appellant(s)

VERSUS

HARYANA ELECTRICITY REGULATORY

COMMISSION AND ANR. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Delay condoned.

2. It is seen that the APTEL has left the issue regarding impact on tariff under Section 63 of the Electricity Act, 2003 to be decided by the Arbitral Tribunal.

3. We make it clear that the Tribunal will take an independent decision, uninfluenced by any of the observations and findings in the impugned Judgment.

4. The Arbitral Tribunal is directed to decide the impact on tariff as a preliminary issue.

5. In view of the above, the appeal is disposed of.

No costs.

.....J.

[KURIAN JOSEPH]

.....J.

[ROHINTON FALI NARIMAN]

New Delhi;

December 14, 2016.

ITEM NO.46

COURT NO.8

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 Diary No(s). No(s). 32409/2016

HARYANA VIDHYUT PRASARAN NIGAM LTD.

Appellant(s)

VERSUS

HARYANA ELECTRICITY REGULATORY COMMISSION AND ANR. Respondent(s)

(with appln. (s) for c/delay in re-filing appeal and condonation of delay in filing appeal)

Date : 14/12/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Dr. Aniruddha Rajput, Adv.

Mr. Yashraj Bundela, Adv.

Mr. Karunakar Mahalik, Adv.

For Respondent(s) Dr. A. M. Singhvi, Sr. Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawala, Adv.

Mr. Sunil Kumar Mittal, Adv.

Mr. Manu Sahni, Adv.

Mr. Abhinav Agrawal, Adv.

Mr. Rishabh Parikh, Adv.

Mr. Vikrant Pachnanda, Adv.

Mr. E. C. Agrawala, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

The appeal is disposed of in terms of the signed non-reportable Judgment.

Pending interlocutory applications, if any, are disposed of.

(Jayant Kumar Arora)

Court Master (Renu Diwan)

Assistant Registrar

(Signed non-reportable Judgment is placed on the file)