

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 39733 OF 2023

IN

CIVIL APPEAL NO. 8175 OF 2022

AND

INTERLOCUTORY APPLICATION NO. 39749 OF 2023

IN

CIVIL APPEAL NO. 8137 OF 2022

PUNJAB STATE POWER CORPORATION LIMITED

APPELLANT(S)

VERSUS

CENTRAL ELECTRICITY REGULATORY COMMISSION & ORS.

RESPONDENT(S)

O R D E R

Heard learned senior counsel on both sides and perused the appeal papers.

The appeals have been listed before the Court in view of the applications in I.A. No. 39733/2023 and I.A. No. 39749/2023 filed by the respondent No.2 herein. It is to be noted that the instant appeals filed before this Court are against an interim order dated 28.10.2022 passed by the Appellate Tribunal for Electricity (for short `APTEL'), in the matter relating to the interim arrangement during the pendency of the proceedings before the Central Electricity Regulatory Commission, New Delhi (For short `CERC'). Presently, the main proceedings before the

CERC has been disposed of and as such in a matter of the present nature where the appeals itself are relating to the interim arrangement, the same would yield to the final order. Hence the appeals do not survive for consideration before this Court.

However, the need for passing an order on the applications have arisen since the APTEL has expressed its difficulty in proceeding further to consider the applications filed by the appellant herein seeking for interim relief in the proceedings where the appeals have been filed against the final decision taken by the CERC. Since the main proceedings has been disposed of and we have indicated that the instant appeals do not survive for consideration it is needless to mention that the interim order passed by this Court would stand dissolved at this stage.

In that view it is made clear that it would be open for the APTEL to consider the applications filed for interim relief by the appellants herein in the substantive appeal(s) which has/have been filed against the decision of the CERC, on its own merits and in accordance with law.

In that regard, all contentions of the parties are left open and we further make it clear that none of the observations made by this Court either in this order or in the earlier order would bind the APTEL and it would take its own decision in accordance with law.

Keeping in view the urgency of the matter, we request the APTEL to take the application(s) for consideration one way or the other in accordance with law at the earliest and if it cannot be taken up today when it is said to be listed, it may be adjourned to any date prior to 24.03.2023.

In terms of the above the appeals stand disposed of.

.....J.
[A.S. BOPANNA]

.....J.
[HIMA KOHLI]

NEW DELHI;
MARCH 20, 2023

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. 8175/2022

PUNJAB STATE POWER CORPORATION LIMITED

Appellant(s)

VERSUS

CENTRAL ELECTRICITY REGULATORY COMMISSION & ORS. Respondent(s)

(I.A.NO.39733/2023 IN C.A.NO.8175/2022 AND I.A.NO.39749/2023 IN C.A.NO.8136/2022 ARE LISTED)

WITH

C.A. No. 8136/2022 (XVII)

(IA FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 39749/2023)

Date : 20-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MS. JUSTICE HIMA KOHLI

For Appellant(s) Mr. K.V. Viswanathan, Sr. Adv.
Mr. M.G. Ramachandran, Sr. Adv.
Ms. Poorva Saigal, Adv.
Mr. Shubham Arya, Adv.
Mr. Nikunj Dayal, AOR
Ms. Pallavi Saigal, Adv.
Ms. Shikha Sood, Adv.
Ms. Reeha Singh, Adv.
Ms. Srishti Khindaria, Adv.
Ms. Anumeha Smiti, Adv.
Mr. Aneesh Bajaj, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sajan Poovayya, Sr. Adv.
Mr. Hemant Sahai, Adv.
Mr. Shreshth Sharma, Adv.
Ms. Shubhi Sharma, Adv.
Mr. Neel Rahate, Adv.
Mr. Deepak Thakur, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

...2/-

Mr. Balbir Singh, A.S.G.
Mr. Samir Malik, Adv.
Ms. Nikita Choukse, Adv.
Mr. Akash Lamba, Adv.
Ms. Farha Malik, Adv.
M/S. D.S.K. Legal, AOR

Mr. Anand Ganesan, Adv.
Ms. Jesal Wahi, AOR
Mr. Amal Nair, Adv.

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

The appeals stand disposed of in terms of signed order.

All pending application(s) shall stand disposed of

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)