

SLP(C)No. 14941-14976 OF 2003
ITEM No.14 & 63

Court No. 4

SECTION XIIA

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

Petition(s) for Special Leave to Appeal (Civil) No.14941-14976/2003

(From the judgement and order dated 18/04/2003 in WP 4770/02-4771/02
CMA 1931/03, CMA 1025/02, CMA 1054-1064/02, CMA 1075/02, CMA 1079/02,
CMA 1087/02, CMA 1088/02, 1094/02, CMA 1198/02, CMA 1214/02, CMA 1215/02
CMA 1255/02, CMA 1356/02, 1370-1372/02, CMA 1428/02, CMA 1429/02,
CMA 1443/02, 1495/02, CMA 1496/02, CMA 1665/02, CMA 1927/02, CMA 1959/02
of The HIGH COURT OF A.P AT HYDERABAD)

A.P. ELECTRICITY REGULATORY COMMISSION

Petitioner (s)

VERSUS

M/S. R.C.I. POWER LTD. & ORS.
(With prayer for interim relief and office report)

Respondent (s)

With

SLP(C)No.15195/2003, SLP(C)No.15255/2003, SLP(C)No.15256/2003,
SLP(C)No.15258/2003, SLP(C)No.15368-15369/2003, SLP(C)No.15557/2003,
SLP(C)No.15619/2003, SLP(C)No.15620/2003, SLP(C)No.15621/2003,
SLP(C)No.15622/2003, SLP(C)No.15623/2003, SLP(C)No.15624/2003,
SLP(C)No.15625/2003, SLP(C)No.15626/2003, SLP(C)No.15628/2003,
SLP(C)No.15631/2003, SLP(C)No.15632/2003, SLP(C)No.15633/2003,
SLP(C)No.15637/2003, SLP(C)No.15688-15689/2003, SLP(C)No.15690-15691/2003,
SLP(C)No.15692-15693/2003, SLP(C)No.15695-15696/2003 and
SLP(C)No.15721-15722/2003

(With prayer for interim relief and appln.(s) for exemption from filing
c/c of the impugned judgment)

Date : 25/08/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. V.R.Reddy, Sr.Adv.

Mr. M.G. Ramachandran, Adv.

Mr. R. Raghuram, Adv.

Mr. K.V.Mohan, Adv.

Mr. K.V. Balakrishnan, Adv.

For Petitioner(s) in

SLP 15368-369/03: Mr. Shanti Bhushan, Sr.Adv.

Mr. Ashok Grover, Sr.Adv.

Ms. Anupama Grover, Adv.

Mr. Sanjai Pathak, Adv.

Mr. Rakesh K. Sharma, Adv.

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For A.P.TRANSCO: Mr. Rakesh K. Sharma, Adv.

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

Mr. Ciccu Mukhopadhyaya, Adv.

Mr. Manu Nair, Adv.

for M/s Suresh A. Shroff & Co., Adv.

Mr. P. Chidambaram, Sr. Adv.

Ms. Indu Malhotra, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.

Mr. Gopal Choudhary, Adv.

Mrs. D. Bharathi Reddy, Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawal, Adv.

Mr. E.C. Agrawala, Adv.

Mr. P.S. Narasimha, Adv.

Mr. P. Sridhar, Adv.

Mr. Ananga Bhattacharya, Adv.

Mr. C.V. Nagarjuna Reddy, Adv.

Mr. G. Seshagiri Rao, Adv.

for M/s. P.S.N. & Co., Adv.

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

In S.L.P.(C) Nos.14941-14976/2003:

(Matters filed by the A.P. Electricity Regulatory Commission)

Leave granted.

The learned counsel for the respondents present in the Court submit that the appellant is an adjudicatory body discharging quasi-judicial functions and has no personal interest in filing the appeal. Learned counsel for the respondents dispute this statement. The objection is left open to be adjudicated upon at the time of hearing.

Issue notice on the prayer for interim relief.

Until further orders, it is directed that bank guarantees shall not be invoked during the pendency of these appeals subject to the condition that the bank guarantees shall be kept alive.

The transmission charges, during the pendency of these appeals,

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shall be liable to be paid as per the terms of the agreement subsisting between the parties.

Printing dispensed with. The appeals shall be heard on the SLP paper books. Additional documents, if any, be filed within six weeks. Original record shall be requisitioned.

Tag with Civil Appeal No.8892 of 2003.

In S.L.P.(C) Nos.15195, 15255, 15258, 15624, 15621, 15623, 15628, 15622, 15619, 15256, 15557, 15632, 15625, 15631, 15620, 15633, 15637, 15626 of 2003:

(Matters filed by the Transmission Corpn. of Andhra Pradesh Ltd.)

Leave granted.

Issue notice on the prayer for interim relief.

Until further orders, it is directed that bank guarantees shall not be invoked during the pendency of these appeals subject to the condition that the bank guarantees shall be kept alive. The transmission charges, during the pendency of these appeals, shall be liable to be paid as per the terms of the agreement subsisting between the parties.

Printing dispensed with. The appeal shall be heard on the SLP paper book. Additional documents, if any, be filed within six weeks. Original record shall be requisitioned.

Tag with Civil Appeal No.8892/2003.

In S.L.P.(C) Nos.15368-15369, 15695-15696, 15692-15693, 15690-15691, 15688-15689 & 15721-15722 of 2003:

Leave granted.

Heard on the question of grant of interim relief. The learned counsel for the private generating companies present in the Court state that they will not press the contempt proceedings during the pendency of these appeals in this Court. The learned counsel for the appellant also states that during the pendency of these appeals,

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they will not press the demand in terms of the order of the Regulatory Commission unless otherwise permitted by this Court.

Reply affidavit be filed in four weeks and rejoinder in two weeks thereafter.

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List thereafter.

(N. Annapurna)
Court Master

(Radha R. Bhatia)
Court Master