

ITEM NO.17

COURT NO.7
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XVII

Civil Appeal Nos.74-75/2023

POWER GRID CORPORATION OF INDIA LTD.

Appellant(s)

VERSUS

BSES RAJDHANI POWER LTD. & ORS.

Respondent(s)

(FOR ADMISSION and IA No.2560/2023-EX-PARTE STAY and IA
 No.2563/2023-PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Date : 23-01-2023 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
 HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. C. Aryama Sundaram, Sr. Adv.
 Ms. Swapna Seshadri, Adv.
 Mr. Pramod Dayal, AOR
 Mr. Nikunj Dayal, Adv.
 Ms. Neha Garg, Adv.
 Mr. Zafar Inayat, Adv.

For Respondent(s) Hasan Murtaza, AOR
 Mr. Arijit Maitra, Adv.

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

Issue notice, returnable in the month of August, 2023.

We are issuing the notice as it is stated that in number of other cases, applications have been filed before the Appellate Tribunal challenging the orders passed by the Central Electricity Regulatory Commission ("CERC") revising / amending the orders passed by them in the Light of the ratio of the impugned judgment, though, the review / amendment orders in those cases were passed between the years 2004 to 2009. It is submitted that belated challenge will result in substantial liabilities payable by the appellant.

Learned Senior Advocate appearing for the appellant, on instructions, states that the appellant would not press for recovery of the disputed against the respondents.

In view of the issue raised, we stay the ratio of the judgment as a precedent, but clarify that it will be open to the authorities to duly consider all reasons and contentions and pass order / judgment without relying upon the impugned judgment.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(R.S. NARAYANAN)
COURT MASTER (NSH)