

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8091-8098 OF 2022

DAMODAR VALLEY CORPORATION

APPELLANT(S)

VERSUS

INOX AIR PRODUCTS PRIVATE LIMITED & ANR. ETC.

RESPONDENT(S)

O R D E R

Having heard learned senior counsel for the parties as also the other learned counsel, we note that the matter lies in a very narrow compass. What is assailed herein is the interim order passed by the Appellate Tribunal for Electricity whereby an absolute stay has been granted on 17.10.2022.

Though on the last date of hearing, it was indicated to find out as to whether the appeal could be disposed of by the Tribunal, we are informed that the Tribunal was not in a position to take up the appeal for consideration for valid reasons pointed out. It is in that light, we find it appropriate to make an interim arrangement so that interest of all the parties are protected in the meantime pending consideration of the appeal. In this regard, we note that the Tribunal through its earlier order dated 06.06.2022 had stayed only the payment of arrears subject to the condition that the appellant before the Tribunal pay full tariff at the rate as determined by the impugned orders dated 05.05.2022 and 17.06.2022 which are pending consideration before the

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Rajni Mukherjee
Date: 2022.11.24
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Reason:

Appellate Tribunal. Since we have noted that the disposal of the appeal would take some time before the Appellate Tribunal, we feel it appropriate to restore the earlier interim arrangement, clarify and direct the respondents herein who are appellants before the Appellate Tribunal to pay the full tariff at the rate as determined by the West Bengal Electricity Regulatory Commission (WBERC) starting from the date the WBERC had passed the impugned orders i.e., from 05.05.2022 and 17.06.2022, during the pendency of the appeal before the Tribunal. The order dated 06.06.2022 of Appellate Tribunal to that extent stands restored.

In the meantime, we request the Appellate Tribunal to also consider and dispose of the appeal as expeditiously as possible.

We further clarify that the pendency of the appeal before the Appellate Tribunal shall not be an impediment for the WBERC to consider the issue relating to trueing up charges which is pending before it and pass appropriate orders in that regard in accordance with law. All contentions of the parties are left open to be urged in the appropriate proceedings.

The appeals are, accordingly, disposed of.

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

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

NEW DELHI;
NOVEMBER 23, 2022

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 Nos. 8091-8098/2022

DAMODAR VALLEY CORPORATION

Appellant(s)

VERSUS

INOX AIR PRODUCTS PRIVATE LIMITED & ANR. ETC.

Respondent(s)

(IA No.165834/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.165836/2022-STAY APPLICATION and IA No.165942/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-11-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s)

Mr. C.A. Sundaram, Sr. Adv.
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Ms. Surbhi Kapoor, Adv.
Ms. Deepika Kalia, Adv.
Mr. Aditya Kant, Adv.

For Respondent(s)

Mr. Amit Kapur, Adv.
Mr. Rajiv Yadav, AOR
Mr. Akshat Jain, Adv.
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Mr. Sajan Poovayya, Sr. Adv.
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Mr. Basudeb Biswas, Adv.
Mr. Amber Shehbaz Ansari, Adv.
Mr. Rahul Poddar, Adv.
Ms. Priya Dhankar, Adv.
Mr. Rishabh Bhardwaj, Adv.