

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**Appeal No. 117 of 2011
and IA – 192 of 2011 & 193 of 2011**

Dated: 13th December, 2011

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member**

In the matter of:

Konaseema Gas Power Limited **....Appellant(s)**

Versus

**Andhra Pradesh Electricity
Regulatory Commission & Ors.** **... Respondent(s)**

Counsel for the Appellant(s): Mr. Ramji Shrinivasan, Sr. Advocate,
Mr. Amit Sibal, Mr. Jafar Alam,
Mr. Siddharth Silwal, Mr. Giriraj
Subramanium, Mr. Sanjay Bhatt and
Ms. Priya Pathania

Counsel for the Respondent(s): Ms. Surbhi Sharma for R-3 to R-7,
Mr. Sanjay Sen and Mr. K.V. Mohan for
A.P.E.R.C.

Appeal No.100 of 2010

Konaseema Gas Power Limited **....Appellant(s)**

Versus

**Andhra Pradesh Electricity
Regulatory Commission & Ors.** **... Respondent(s)**

Counsel for the Appellant(s): Mr. Amit Sibal, Mr. Jafar Alam, Mr. Siddharth
Silwal, Mr. Giriraj Subramanium

Counsel for the Respondent(s): Ms. Surbhi Sharma for R-3 to R-7, Mr. Sanjay
Sen and Mr. K.V. Mohan for A.P.E.R.C.

ORDER

We have passed an order on 9/12/2011 giving liberty to the Appellant to approach the distribution companies (Respondent Nos. 3 to 7) requesting for the release of the adhoc advances for repayment of the lenders dues pending the Appeal, and directing the distribution companies (Respondent Nos. 3 to 7) that they may consider the said request and decide the matter and report the same to this Tribunal on the next hearing date.

The Learned Counsel for the Respondents (Distribution Companies) has today produced copy of the letter sent by Chief Engineer, (APPCC) sent on behalf of the Respondents addressed to Registrar of this Tribunal stating that the request of the Appellant on the basis of directions has been rejected.

We are shocked to notice the conduct of Chief Engineer, instead of filing an Affidavit before this Tribunal in response to our judicial order has chosen to send a letter to Registrar of this Tribunal, with regard to the request made by this Appellant. This is quite unfortunate.

Hence we deem it appropriate to seek for explanation for the said act of the Chief Engineer by summoning him to appear before this Tribunal to show the circumstances under which he has addressed a letter to Registrar, instead of filing necessary affidavit before the Tribunal. Accordingly, he is directed to appear before this Tribunal on 04.01.2012 and file affidavit giving explanation for this act.

Post the matter for further hearing on **04.01.2011**.

(V. J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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