

Seli Hydro Electric Power Company Ltd. vs. Director Directorate of Energy & Anr. a/w connected matter.

LPA No.149 of 2023 a/w LPA No.97 of 2023

LPA No.149 of 2023

09.12.2024

Present: Mr. Viplav Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the appellant.

Mr. Anup Rattan, Advocate General (through Video Conferencing) with Mr. P.K. Nadda, Additional Advocate General and Mr. Sanjay Dutt Vasudeva, Deputy Advocate General, for the respondents.

LPA No.97 of 2023

Mr. Anup Rattan, Advocate General (through Video Conferencing) with Mr. P.K. Nadda, Additional Advocate General and Mr. Sanjay Dutt Vasudeva, Deputy Advocate General, for the appellants.

Mr. Viplav Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the respondent.

CMP No.23548 of 2024 in LPA No.97 of 2023

This application has been filed with the prayer to modify order dated 15.07.2024 and to grant interim protection to the applicant/appellant/State by staying the execution and operation of the impugned judgment dated 13.1.2023, by restoring the order dated 21.08.2023, passed in CMP No.6468 of 2023.

2. CMP No.6468 of 2023 was disposed of vide order dated 15.07.2024, observing that for non-deposit of the amount along with up-to-date interest, being a conditional order granting interim protection to the applicant/appellant subject to such deposit, interim protection stood vacated automatically after expiry of the time granted for deposit in the said application, for extension whereof, no application has been filed at any point of time.

3. Therefore, we do not find any illegality or irregularity in the order dated 15.07.2024, warranting modification thereof. However, as prayed by learned Advocate General, second portion of the prayer of this application for interim protection can be considered afresh subject to verification of deposit of entire amount along with up-to-date interest in the Registry of this Court.

4. Applicant/appellant/State is claiming that the entire amount along with up-to-date interest, i.e. Rs.93,96,07,671/- stands deposited in the Registry of this Court, however, calculation sheet thereof has not been placed on record. Therefore, learned counsel for the respondent seeks time to verify the facts and calculations before responding to the present application.

5. Response/calculation sheet by both parties be filed well before the next date of hearing and copies thereof be supplied to opposite party in advance.

6. Registry is also directed to report about deposit, if any, and amount so deposited be invested as per rules.

List for consideration on 16.12.2024 along with main appeal.

(Vivek Singh Thakur)
Judge

(Sushil Kukreja)
Judge

9th December, 2024
(reena)