

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. NOS. 5 & 6 IN CIVIL APPEAL NOS. 3510-3511 OF 2008

TATA POWER COMPANY LTD.

Appellant (s)

VERSUS

RELIANCE ENERGY LIMITED & ORS.

Respondent(s)

(For vacation of order dated 14.5.2008)

Date: 03/06/2008 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA
(VACATION BENCH)

For Appellant(s) Mr. Salman Khurshid, Sr. Adv.
Mr. Sitesh Mukherjee, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Vishal Anand, Adv.

For Respondent(s)/ Dr. A.M. Singhvi, Sr. Adv.
Applicant(s) Mr. J.J. Bhatt, Sr. Adv.
rr/-1: Ms. Smieeta Inna, Adv.
Ms. Anjali Chandurkar, Adv.
Mr. Amit Bhandari, adv.
Mr. Shiv Kumar Suri, Adv.

rr.-2: Mr. Ramji Srinavan, Sr. Adv.
Mr. V.B. Joshi, Adv.
Mr. Kaliash Pandey, Adv.
Mr. M.T. Nair, Adv.
Mr. Krishan Kumar, adv.
Mr. Mohd. Yasir Abbasi, Adv.

UPON hearing counsel the Court made the following
ORDER

The present interlocutory applications are filed in the
main matter, i.e., Civil Appeal Nos. 3510-3511 of 2008. The
aforesaid appeals came up for hearing before a co-ordinate Bench
of this Court and on May 14, 2008, the following order was passed
:

"Taken on Board.

Permission to file additional documents is
granted.

:2:

The civil appeals are admitted.

Until further orders, operation of the
impugned order shall remain stayed.

Needless to say that this order shall not
preclude the Maharashtra Electricity Regulatory
Commission to decide the application filed on
behalf of Reliance Energy.

Hearing expedited."

It may be stated that at the time of passing of the above order, respondent No. 1 (applicant of these I.As) was very much present.

In the present I.As. prayers which have been made read thus :

"(a) that the operation of the order of this Hon'ble Court dated 14th May, 2008 in so far as it stays the operation of the order dated 6th May 2008 of ATE be vacated:

(b) pending the final hearing of the Appeal direct MERC to allocate TPC Generating Capacity as was done in FY 06-07 and FY 07-08.

(c) pass such other and further orders as deemed fit in the interest of justice."

Learned counsel for the applicant states that the applicant does not press the prayer in prayer clause (a) of the applications at this stage but what he wishes to press is that as per the order passed by this Court on May 14, 2008, the Maharashtra Electricity Regulatory Commission (MERC), respondent No. 3 in the appeals may decide the application as observed by this Court therein. It is stated that the application has not been disposed of.
:3:

We may say that if the applicant will approach respondent No. 3-authority along with order dated May 14, 2008, respondent No. 3 -authority will no doubt take appropriate action in accordance with law.

I.A. Nos. 5 & 6 are, accordingly, disposed of. We have not expressed any opinion on the merits of the matter.

Liberty is granted to file fresh application in case of any difficulty.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master

Copy of the order be given dasti.