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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 2021 OF 2007  
TATA STEEL LTD.

Appellant(s)

VERSUS

JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION  
& ORS Respondent(s)

O R D E R

This appeal is directed against the judgment and order dated 19.09.2006 passed by the Appellate Tribunal for Electricity, (for short the Appellate Tribunal) New Delhi in Appeal No. 159 of 2006 whereby the Appellate Tribunal dismissed the appeal preferred by the appellant holding that the dispute between the parties will not fall under Section 86(1)(f) of the Electricity Act, 2003 as the entire transaction between the parties is governed by the stipulations in the bilateral agreement and the dispute that has arisen between them has to be resolved only in terms of the arbitration clause in the agreement.

The relief (s) sought for by the appellant before the Appellate Tribunal is not to insist upon the Delayed Payment Surcharge (DPS) raised by Respondent No.2 upon payment of Fuel Surcharge bills as well as AMG Bills paid in instalments.

We have heard Mr. Ajit Kumar Sinha, learned Senior Counsel appearing for appellant and Mr. Farrukh Rasheed and Ms. Madhumita Bhattacharjee, learned Counsel appearing for the respondents.

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After hearing the learned counsel appearing for the parties and having regard to the questions raised in this appeal, we set aside the order passed by the Appellate Tribunal and remand it back to it for deciding the same on the merits of the case afresh.

We make it clear that all points raised are kept open to be decided by the Appellate Tribunal, after affording an opportunity of hearing to the parties. The question of jurisdiction will not be raised by the respondents.

The appeal is disposed of in the above terms.

..... J.  
(PINAKI CHANDRA GHOSE)

..... J.  
(ROHINTON FALI NARIMAN)

New Delhi;  
May 03, 2017.

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ITEM NO.102 COURT NO.6 SECTION XVII  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2021/2007

TATA STEEL LTD.

Appellant(s)

VERSUS

JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION  
& ORS Respondent(s)

Date : 03/05/2017 This appeal was called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON&#39;BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Ajit Kumar Sinha, Sr. Adv.

Mrs. Nandini Gore, Adv.

Ms. Khusboo Bani, Adv.

Mrs. Manik Karanjawala, AOR

Ms. Tahira Karanjawala, Adv.

Ms. Natasha Sehwat, Adv.

Mr. Nikhil Rohatgi, Adv.

Mr. Shashank Khurana, Adv.

Mr. Mohit Khubchandani, Adv.

For Respondent(s) Mr. Farrukh Rasheed, AOR

Ms. Madhumita Bhattacharjee, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

(R. NATARAJAN) (SUMAN JAIN)

Court Master Court Master

(Signed order is placed on the file)