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## (2016) 12 SC CK 0064

## SUPREME COURT OF INDIA

Case No: Civil Appeal No. 12324 of 2016 (@Civil Appeal D. No. 32409 of 2016).

Haryana Vidhyut Prasaran Nigam Ltd. - Appellants @HASH Haryana Electricity Regulatory Commission and Another

**APPELLANT** 

Vs

**RESPONDENT** 

Date of Decision: Dec. 14, 2016

**Acts Referred:** 

• Electricity Act, 2003 - Section 63

Citation: (2017) 1 Scale 512

Hon'ble Judges: Kurian Joseph and Rohinton Fali Nariman, JJ.

**Bench:** Division Bench

**Advocate:** Dr. Aniruddha Rajput, Yashraj Bundela, Karunakar Mahalik, Advocates, for the Appellants; Dr. A. M. Singhvi, Sr. Adv., Mahesh Agarwal, Rishi Agrawala, Sunil Kumar Mittal, Manu Sahni, Abhinav Agrawal, Rishabh Parikh, Vikrant Pachnanda, E.C. Agrawala,

Advocates, for the Respondents

Final Decision: Disposed Of

## **Judgement**

## **Kurian, J.** - Delay condoned.

- 2. It is seen that the APTEL has left the issue regarding impact on tariff under Section 63 of the Electricity Act, 2003 to be decided by the Arbitral Tribunal.
- 3. We make it clear that the Tribunal will take an independent decision, uninfluenced by any of the observations and findings in the impugned Judgment.
- 4. The Arbitral Tribunal is directed to decide the impact on tariff as a preliminary issue.
- 5. In view of the above, the appeal is disposed of.

6. No costs.