

**M/s Awa Power Company(P) Ltd. Versus the State of
HP and another**

Filing No.478 of 2025

03.11.2025

Present: Sh. Ajay Vaidya, Ld. Counsel for the Petitioner
Sh. Vivek Singh Thakur, Ld. Counsel for Respondent
No. 3.

DAILY ORDER

Reply of the Respondent No. 3 has come on record.

Sh. Vaidya submits that the Limitation Act is not applicable to the present case and has relied upon judgments of the Hon'ble Supreme Court in Andhra Pradesh Power Coordination Committee and Others versus Lanco Kondapalli Power Limited and Others (2016) 3 Supreme Court Cases 488, Judgment dated 02.11.2020 of the Hon'ble Appellate Tribunal for Electricity in APL No. 10 of 2020 and other connected matters in the matter of Power Company of Karnataka Limited and Another versus Udupi Power Corporation Limited and Others.

On careful perusal of the record and submissions, we are of the considered opinion that there appears to be a mixed question of law and fact of limitation which cannot be gone into at this stage when the Respondents No. 1 and 2 have not filed their response. The Petition, therefore, is admitted subject to the condition that the issue of limitation would be decided after receipt of the replies of the Respondents No. 1 and 2.

Let notice to the Respondents No. 1 and 2 be issued returnable for 19.12.2025 with a direction to file reply to the Petition within two weeks with advance copy to the opposite parties. Rejoinder, if any, shall also be filed within a week on receipt of copy of reply.

List on 19.12.2025 at 11:00 AM for completion of proceedings.

-sd-
(Shashi Kant Joshi)
Member

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(Yashwant Singh Chogal)
Member(Law)-cum-Chairman