

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Transfer C.A. (AT) (Competition) No.01 of 2017**  
**(Old Compensation Application 02 of 2015)**

**IN THE MATTER OF:**

**Sai Wardha Power Ltd.**

**...Applicant**

**Versus**

**Coal India Ltd. & Anr.**

**...Respondents**

**Present:**

**For Appellant :-**

**Mr. Ranjit Raut, Advocate**

**For Respondents:-**

**Mr. Yaman Verma and Ms. Gauri Mehta,  
Advocates.**

**O R D E R**

**19.04.2018**      The Competition Commission of India passed penal order against '*Coal India Limited & another*' against which the '*Coal India Limited*' preferred an appeal under Section 53B of the Competition Act, 2002, which was dismissed. Against the said order, the '*Coal India Limited*' has already moved before the Hon'ble Supreme Court in Civil Appeal No. 2845 of 2017 wherein interim order has been passed by the Hon'ble Supreme Court on 10<sup>th</sup> April, 2018. This compensation case under Section 53-N has been filed by applicant in view of dismissal of the appeal. It is informed that another application for execution of the order has been filed by the applicant under Section 53Q of the Act.

Taking into consideration the fact that against the order of dismissal passed by the Competition Appellate Tribunal an appeal has been preferred by the '*Coal India Limited*' and is pending before the Hon'ble Supreme Court, we

are of the view that the present compensation case and the new application, if any, filed for execution should await the decision of the Hon'ble Supreme Court.

Post the matter 'for orders' on 9<sup>th</sup> July, 2018. Parties will inform the development, if any, taken before the Hon'ble Supreme Court.

It will be also open to the parties to request to prepone the date of hearing of the cases, if in the meantime the Hon'ble Supreme Court pass any final order.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member(Judicial)

/ns/gc/