

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY (Appellate Jurisdiction)

DFR No : 131 of 2024 & IA No. 389 OF 2024

Dated: 9th September, 2024

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member (Electricity)

In the matter of:

City Corporation Limited Appellant(s)

Versus

Maharashtra Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Dipali Sheth
Shubham Mehta for App. 1

Counsel on record for the Respondent(s) : for Res. 1

Shashwat Kumar
Rahul Chouhan
Shikha Sood
Raghav Kapoor for Res. 2

ORDER

It is, indeed, unfortunate that the Appellant's counsel has failed to bring relevant facts to the notice of the Bombay High Court. The order passed by the Bombay High Court dated 30.08.2024, records the submission urged on behalf of the Appellant that the present appeal does not require elaborate evidence to be led. Ms. Dipali Seth, learned counsel for the Appellant, states that what the Appellant intended to convey was only that no oral evidence was required to be adduced. The fact, however, remains that voluminous records (running into four volumes) have been filed along with the appeal, a substantial part of which constitutes documentary evidence.

Section 111 (5) of the Electricity Act, 2003, requires this Tribunal to endeavour to dispose of the appeal within 180 days from the date of its institution. This provision does not appear to have been brought to the notice of the Bombay High Court by the Appellant herein. What also does not appear to have been brought to the notice of the Bombay High Court is that appeals filed before this Tribunal are akin to first appeal under Section 96 of the CPC, as an appeal lies against the order of the Commission both on facts and law; hearing of each appeal, therefore, takes considerable time; there are 2615 appeals pending before this Tribunal including appeals from the year 2014 onwards; and taking up an appeal of the year 2024 for hearing would result in appeals of the earlier years being kept pending.

Ordinarily, the Respondents in the appeals are given six weeks' time to file their reply, and the Appellant is given four weeks thereafter to file its rejoinder. If time, as is usually given to the parties, is granted in the present case, we would be violating the order of the Bombay High Court.

In the light of the directions of the Bombay High Court, we deem it appropriate to grant the Respondents two weeks' time to file reply. The Appellant shall file its rejoinder within three days thereafter. As we are required, in terms of the directions of the Bombay High Court, to dispose of the appeal within six weeks from today, counsel on both sides shall be given 30 minutes each to complete their oral submissions on the next date of hearing. Both parties may file their written submissions, not beyond three pages, before commencement of oral hearing.

Post the matter on 30.09.2024.

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson