IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT-1

IA NO. 1188 OF 2023 IN
APPEAL NO. 1 OF 2023

Dated : **01.06.2023**

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member (Electricity)

In the matter of:

NTPC Limited .... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Ms. Alisha Gaba

Counsel for the Respondent(s) : Mr. Mansoor Ali Shoket
Mr. Nitin Kala
Mr. Kunal Singh
Mr. Tanmay Jain for R-2

Mr. Pradeep Misra
Mr. Manoj Kumar Sharma
Mr. Bhuwan Chandra for R-2

ORDER

(IA No. 1188 of 2023)
(for permission to file reply by R-4)

This application is filed on behalf of the 4th Respondent seeking permission to file reply. Despite service of notice, the 4th Respondent chose not to appear when the matter was slated for hearing on 10.04.2023. We had, in such circumstances, recorded the submission, urged by the learned Counsel for the 2nd Respondent, that they did not wish to file any reply; and, since no other counsel had entered appearance on behalf of any of the other Respondents, we had directed that the Appeal be included in the List of Finals.

The 4th Respondent has chosen to enter appearance through their Counsel only two weeks thereafter i.e. on 26.04.2023, and have now moved an application seeking permission to file their reply.

The very purpose of effecting service of notice on the parties is for them to enter appearance through their Counsel, and appear on the date next fixed for hearing. Having chosen not even to enter appearance, Learned Counsel for the 4th Respondent now contends that no formal direction was issued to them to file reply earlier. No such opportunity could have been granted in the first place, since they did not even enter appearance through Counsel when the matter was listed on 10.04.2023.

The very object of the Act, in requiring this Tribunal to endeavour to dispose of the main appeal in 180 days, is defeated and the precious time of this Tribunal is wasted in hearing such applications, which time could have been usefully spent in hearing the main appeal, mainly because of the failure of parties to enter appearance on time, and in immediately thereafter completing pleadings.

While we do not wish to deny the 4th Respondent an opportunity of filing their reply, we are of the view that such a permission should only be accorded on their paying costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Respondent-Commission within three weeks, and then file proof of payment in the Registry within one week thereafter. On compliance with the above-said directions, the reply filed shall be taken on record. The application is, accordingly, disposed of.

APPEAL NO.1 OF 2023

On compliance with the above-said directions by the 4th Respondent, the Appellant shall be entitled to file rejoinder, to the reply filed by the 4th Respondent, on or before 05.07.2023 with advance copy to the other side.

Post the matter on ***06.07.2023***.

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

tpd/mkj/sk