

**Appellate Tribunal for Electricity**  
**New Delhi**

APTEL/Registry/Procedure/2012

Date: 14.9.2012

**PROCEDURAL DIRECTIONS**

In exercise of powers conferred under Rule 107 of the Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules, 2007 read with Section 120 of the Electricity Act, 2003, the Hon'ble Chairperson is pleased to issue the following procedural directions, which shall come into effect immediately.

**A. MEMORANDA/ SYNOPSIS OF APPEAL**

1. In the Memorandum of Appeal, synopsis shall contain the entire facts.
2. The "list of dates" shall contain both the dates/ facts in detail.
3. The documents, which were not part of the proceedings before the Commission, if opted to be filed before APTEL, then separate Application shall be filed before the Tribunal, to produce the same as additional documents.

**B. REMOVAL OF DEFECTS/ REILING OF APPEAL**

4. On receipt of appeal/ paper book, the Registry shall scrutinise the same and issue "Defects in Filing" letter, wherever necessary, within seven working days.
5. In the event, the Appellant/Counsel is not able to rectify the defects within the said period of seven days, as per the existing Rules, then a letter may be presented by the Appellant/counsel to the Registrar praying for extension of time for curing such defects.
6. The Registrar may, on being satisfied with the reasons given in such letter, extend the time for curing the defects. However the maximum

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period for curing the defects that may be extended, shall not exceed three weeks (21 days).

7. The fact of extension of time for curing the defects granted by the Registrar may be communicated to the party concerned without lapse of time by the available mode of communication.
8. Finally, if the defects are not cured, even within the above said extended period of 21 days, on the expiry of the said period the matter will be posted before the Hon'ble Tribunal under the caption "Defects in Filing", after giving due intimation to the party/counsel concerned.

### **C. SERVICE OF NOTICE**

9. As and when notice is ordered to be issued by the Tribunal, either in the Application or in the Appeal, the same shall be issued to the parties/Respondents concerned directly by the Registry by speed post with acknowledgment due, apart from dasti service, through Applicant/Appellant, wherever ordered.
10. A notice shall be deemed to have been served only, when an acknowledgment for having received the same by the Respondent/Respondents concerned is received either by the Registry directly or along with Affidavit of service filed by the Applicant/Appellant or counsel in this behalf before the Registry.

### **D. FILING OF COUNTER/REJOINER**

11. On the completion of service of notice, the maximum period permissible for filing counter reply/affidavit shall be 21 days (3 weeks) and thereafter for filing rejoinder, the time will be ten days.

12. Once the Appeal is heard by the Tribunal, then, in such part-heard matters, to the extent possible, hearing may take place on day to day basis.

#### **E. REVIEW**

13. Review to be filed within 30 days from the date of the judgment/order. The earlier Notification No. APTEL/Registry/Procedure/2012 dated 24.2.2012 is reiterated.
14. Once an application for Review of any judgment/order has been made and disposed of, no further Application for review shall be entertained in the same matter.

(Registrar)  
Appellate Tribunal for Electricity,  
New Delhi