

**COURT-II**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**APPEAL NO. 357 OF 2017 &**  
**IA NOS. 969 & 970 OF 2017 AND IA NOS. 550 & 652 OF 2018 AND**  
**APPEAL NO. 22 OF 2018 & IA NO. 653 & 1004 of 2018**

**Dated: 16<sup>th</sup> August, 2018**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member**  
**Hon'ble Mr. S.D. Dubey, Technical Member**

**APPEAL NO. 357 OF 2017 &**  
**IA NOS. 969 & 970 OF 2017 & IA NO. 550 OF 2018& 652 OF 2018**  
**In the matter of:**

**Rosa Power Supply Company Limited** ... **Appellant(s)**  
**Vs.**  
**Uttar Pradesh Electricity Regulatory Commission & Anr.** ... **Respondent(s)**

Counsel for the Appellant(s) : Mr. S. Venkatesh  
Ms. Nishtha Kumar  
Mr. Sandeep Rajpurohit

Counsel for the Respondent(s) : Mr. C.K. Rai  
Mr. Sachin Dubey for R-1  
  
Mr. Vallinayagam  
Mr. Manish Garg  
Ms. S. Amali for R-2  
  
Mr. Shubham Arya for Applicant /  
Proposed Respondent

**APPEAL NO. 22 OF 2018 & IA NO. 653 & 1004 of 2018**

**In the matter of:**

**Uttar Pradesh Power Corporation Ltd.** ... **Appellant(s)**  
**Vs.**  
**Uttar Pradesh Electricity Regulatory Commission & Anr.** ... **Respondent(s)**

Counsel for the Appellant (s) : Mr. S. Vallinayagam  
Mr. Manish Garg

Counsel for the Respondent(s) : Mr. C.K. Rai  
Mr. Sachin Dubey for R-1

Mr. S. Venkatesh  
Ms. Nishtha Kumar  
Mr. Sandeep Rajpurohit for R-2

Mr. Shubham Arya for Applicant /  
Proposed Respondent

**ORDER**

**IA NO. 970 OF 2017 in APPEAL NO. 357 OF 2017**  
***(Appl. for exemption from filing certified copy of impugned order)***

Heard the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondents.

The learned counsel, Mr. S. Venkatesh, appearing for the Appellant submitted that the instant IA may be allowed.

The submissions made by the learned counsel appearing for the Appellant, as stated above, are placed on record.

In the light of the statement made by the learned counsel appearing for the Appellant in the IA No.970 of 2017 and the reasons stated therein, IA is allowed subject to production of certified copy.

The learned counsel for the Appellant is directed to file certified copy of the impugned order within a period of eight weeks i.e. on or before 12.10.2018.

**IA NO. 550 OF 2018 in APPEAL NO. 357 OF 2017**  
***(Appl. for amendment of the appeal)***

Heard the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondents.

The learned counsel, Mr. S. Venkatesh, appearing for the Appellant submitted that the instant IA for permission to amend the Appeal Memo as per prayer sought in the Application, the same may be allowed.

Per contra, learned counsel appearing for the respondents fairly submitted that he don't have any objection for amending the Appeal Memo.

The submissions made by the learned counsel appearing for the Appellant and learned counsel appearing for the respondents, as stated above, are placed on record.

In the light of the statement made by the learned counsel appearing for the Appellant in the instant IA and the reasons stated therein, the same is accepted and the IA is allowed and amendment of Appeal Memo is permitted.

**IA NO. 652 OF 2018 in APPEAL NO. 357 OF 2017**  
**IA NO. 653 OF 2018 in APPEAL NO. 22 OF 2018**  
***(Appl. for impleadment)***

Heard the learned counsel appearing for the Appellant and the learned counsel appearing for the proposed Respondent/Applicant.

The learned counsel, Mr. Shubham Arya, appearing for the Respondent/Applicant submitted that the instant IA for permission to implead as a proposed Respondent, may be allowed.

Learned counsel appearing for the Appellant submitted he does not have any objection .

The submissions made by the learned counsel appearing for the Appellant and learned counsel appearing for the respondents, as stated above, are placed on record.

In the light of the statement made by the learned counsel appearing for the Appellant in the instant IA and the reasons stated therein, the same is accepted and the IA is allowed. The Applicant is permitted to implead as a proposed Respondent.

**IA No.1004 of 2018 in APPEAL NO. 22 OF 2018**  
***(Application for condonation of delay in filing reply)***

The learned counsel, Mr. S. Venkatesh, appearing for second Respondent submitted that there is a delay of 14 days in filing the reply which has been explained satisfactorily and sufficient cause has been made out in the application. The same may kindly be accepted and delay in filing the reply may kindly be condoned.

Submission made by the learned counsel appearing for the second Respondent, as stated above, is placed on record.

In the light of the submission made by the learned counsel appearing for the first Respondent and after perusal of the application explaining the delay in filing the reply, we find it satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the reply is condoned. The IA is allowed.

**APPEAL NO. 357 OF 2017 & APPEAL NO. 22 OF 2018**

The learned counsel appearing for the Appellant prays that one week's time may be granted to enable to file amended memo of parties.

The learned counsel appearing for the Respondent Nos.1, 2 and proposed Respondent No.3 pray for six week's time to file their respective replies in the matter.

Submissions made by the counsel appearing for the Appellant and the learned counsel appearing for the Respondent Nos.1, 2 and proposed Respondent No.3, as stated above, are placed on record.

The learned counsel appearing for the Appellant is permitted to file amended memo of parties on or before 24.08.2018, after duly serving copy on the other side Respondents are permitted to file their respective replies on or before 28.09.2018, after duly serving copy on the other side. Thereafter, rejoinder, if any, may be filed by 26.10.2018, after duly serving copy on the other side.

List these matters on **13.11.2018**, as requested by learned counsel appearing for the Appellant and learned counsel appearing for the Respondents.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**

*Bn/pr*