

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 3 of 2016 & IA No. 3 & 4 2016

Dated: 17th February, 2016

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

**M/s. Monnet Ispat & Energy Ltd.Appellant(s)
Versus
Chhattisgarh State Electricity Regulatory Commission & Anr. ... Respondent(s)**

Counsel for the Appellant(s) : --

Counsel for the Respondent(s) : Mr. C.K. Rai &
Mr. Paramhans for R-1
Ms. Suprana Srivastava and
Mr. Girish Gupta,
Executive Engineer for R-2

ORDER

It has been reported that Appeal Nos.3 of 2016 and 4 of 2016, emanate from a common order and same issues are involved. We direct the parties in these appeals to complete their pleadings. The respondents are filing their counter affidavit/reply today. Let the same be taken on record, rejoinder, if any, be filed within two weeks from today.

There is a request for urgent hearing, if possible, today itself by the learned counsel for the appellant, on IAs seeking to prevent the State Commission from proceeding further by way of appointing some Member as adjudicator till the pendency of these appeals.

We are not inclined to hear these IAs on urgent basis because as per the learned counsel for the respondents, each of these appeals has been

filed against the order by which the Review Petition was dismissed and the appeal against the rejection of Review Order is not maintainable. Apart from it, the main order was challenged before the State Commission by filing the Review Petition and it is after the disposal of the Review Petition, the said appeals have been filed before this Appellate Tribunal. Since both these appeals were time barred hence, they were marked in the Registry as DFR No. 2563 of 2015 and DFR No. 2564 of 2015, showing that there was some delay in filing these appeals. If the matters were so urgent, warranting us to pass some interim order, the appeals should have been filed immediately and at this stage we do not find it desirable in the regulatory regime to pass any interim order on the interim applications. We do not find sufficient grounds to refrain the State Commission from proceeding further with the matters at this stage. Even fixing short date is not possible as pleadings in these appeals are yet to complete. Admittedly, the copies of the said IAs have been furnished to the respondents' side and their submission is that their reply/counter affidavit in the appeals be treated as reply to the said IAs. Hence, there is no need to issue notice on the IAs to the respondents, requiring them to file their objections/reply. ***These appeals are hereby tagged together.***

Post these appeals for arguments as well as for hearing and disposal of the IAs on **04th March, 2016.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

sh/vg