

**COURT-II**

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

**APPEAL NO.193 OF 2015**

**Dated : 5<sup>th</sup> February, 2016**

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

**In the matter of:**

**KKK Hydro Power Limited**

**.....Appellant(s)**

**Versus**

**Himachal Pradesh State Electricity Board & Ors.**

**.....Respondent(s)**

Counsel for the Appellant (s) : Mr. Raj Kumar Mehta  
Mr. Abhishek Upadyay

Counsel for the Respondent (s) : Mr. Anand K. Ganesan for R-1  
Mr. Hemant Singh &  
Mr. Tabrez Malawat for R-4

**ORDER**

Mr. Anand K. Ganesan, Learned Counsel for Respondent Nos. 1, 2 & 3 of whom Respondent No.1/HPSEB is the main contesting party, submits that on the earlier date, i.e. 09.12.2015, he did not receive any instruction from the Respondent Nos. 1, 2 & 3 consequently he did not appear. On the earlier date, we clearly mentioned in the order sheet that none for the Respondent Nos. 1, 2 & 3 present in spite of the fact that Respondent No.1 is the main contesting party. Learned Counsel for the Appellant submits that all the Respondents were served on 10.11.2015 and even then they did not care to file Counter Affidavit/Reply by the date earlier fixed viz. 09.12.2015. However, the Respondent Nos. 1, 2, & 3 should not be allowed to file Counter Affidavit but in the interest of justice, they are granted two weeks time to file Counter Affidavit after serving

copy on the other side. Thereafter, rejoinder, if any, be filed within two weeks after serving copy on the other side.

Post this Appeal for hearing on **18.03.2016.**

**(T. Munikrishnaiah )**  
**Technical Member**

**(Justice Surendra Kumar)**  
**Judicial Member**

dk/vg