

Court-II

**Before the Appellate Tribunal for Electricity, New Delhi
(Appellate Jurisdiction)**

Appeal No. 254 of 2015

Dated : 24th February, 2016

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

In the matter of:

Neyveli Lignite Corporation Ltd.

.... Appellant(s)

Versus

Tamil Nadu Generation & Distribution Co. Ltd. & Ors.

.... Respondent(s)

Counsel for the Appellant (s) : Ms. Anushree Bardhan and
Ms. Poorva Saigal

Counsel for the Respondent (s) : Mr. Manoj Kumar Sharma for
Mr. Pradeep Misra, R.Nos. 9 to 11
Mr. Vellinayagam
Mr. Dhananjay Baijal and Mr. Nikhil
Nayer for R.14, CERC

ORDER

Mr. Pradeep Misra, learned counsel for Respondent Nos. 9 to 11 (Rajasthan DISCOMs) submits that no counter Affidavit/reply is required to be filed by the DISCOMs. Mr. Vellinayagam, learned counsel appearing for respondent No.1, namely Tamil Nadu Generation & Distribution Company Ltd., has not filed counter Affidavit/reply till now even though at his request he was granted three weeks time to file the same vide our order dated 15.01.2016. It appears that respondent No.1 does not want to file counter affidavit/reply otherwise there was no reason to file counter affidavit/reply by respondent No.1.

Our experience in this Appellate Tribunal says that respondent No.1, namely Tamil Nadu Generation & Distribution Co. Ltd., takes not much interest in legitimately or diligently conducting its cases. It is in the habit of

not filing petitions for determination of tariff before Tamil Nadu Commission and the Commission every time *suo motu* has to determine the tariff.

The appellant may file rejoinder within three weeks and no more.

Copy of the order be sent to the Chairman-cum-Managing Director of Tamil Nadu Generation & Distribution Co. Ltd. and also to the Chief Secretary of the Tamil Nadu State to see what this Government entity is doing and what interest they are taking in their matters.

Any party, if wants, may file written submission during this time.

Post this matter for hearing on **01st April, 2016.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

Sh/kt