

**COURT-II**  
**Before the Appellate Tribunal for Electricity**  
**(Appellate Jurisdiction)**

**Appeal No. 46 of 2015**

**Dated:** **2<sup>nd</sup> February, 2016**

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

**In the matter of:-**  
**NTPC Ltd.**

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

**Versus**

**West Bengal Electricity Distribution Co. Ltd. & Ors.**

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

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

Counsel for the Respondent(s) : Mr. R.B. Sharma for R-2, 4 & 16  
Mr. Suraj Singh and  
Mr. Pradeep Misra for R-9  
Mr. S. Vallinayagam for R-7

**ORDER**

Mr. S. Vellinayagam, learned counsel appearing for the Respondent No.7 submits that he has filed Vakalatnama in the last week but, the Appellate Tribunal is not under any obligation for seeing that Vakalatnama has been filed or not. Respondent No.7 is Tamil Nadu Generation and Distribution Co. Ltd. which is a Government Discom. As per order sheet, dated 18.11.2015, the other Respondents sought three weeks time to file reply and they were directed to file the same on or before 9.12.2015. The rejoinder was required to be filed on or before 23.12.2015. Thus, the Respondent No.7 became so careless and did not file any counter affidavit either in December, 2015 or in January, 2016. Mr. S. Vallinayagam is praying for another two weeks time to file counter affidavit which cannot be granted because inspite of several opportunities granted in the matter, the Respondent No. 7 knowingly has not filed counter affidavit till date. This Tribunal can help to those litigants who are sincerely cooperating with the conduct of the matters, so as to enable this Tribunal to dispose-off the appeals within 180 days from the date of its filing. The learned counsel for the respondents may file rejoinder affidavit within two weeks time from today.

Post this appeal for hearing on **11<sup>th</sup> March, 2016.**

**(T. Munikrishnaiah)**  
**Technical Member**  
vt/vg

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