

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

IA 18 of 2016 in EP 2 of 2015 in Appeal Nos. 76 & 82 of 2013

Dated : **4th February, 2016**

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

In the matter of:

Eastern India Powertech Ltd.

.... Decree Holder/
Execution Petitioner

Versus

Assam Power Distribution Co. Ltd. & Ors

.... Judgment Debtors/
Respondent(s)

Counsel for the Appellant (s) : Mr. Manu Sheshadri
Mr. Abhishek Roy

Counsel for the Respondent (s) : ---

ORDER

IA No. 18 of 2016 is today fixed for order. We may mention here that though the order is ready but the hearing on the Execution Petition, being EP No. 2 of 2015, has already been fixed for 5.2.2016. What happened in this matter is that on 21.12.2015, after passing a detailed order, we posted the matter on 5.2.2016 for further hearing directing the Judgment Debtor to file a cheque of Rs. 9 crores in the name of Decree Holder/Execution Petitioner within 10 days. The Judgment Debtor presented a cheque on 21.12.2015 of Rs. 9 crores which had been issued in the name of the Registrar, Appellate Tribunal for Electricity. When we were made aware about the fact that the Registrar of this Appellate Tribunal has no official account, we directed that the cheque be given back to the Mr. M.K. Adhikari, General Manager (TRC), APDCL with the direction to issue a fresh cheque of the same amount in the name of Execution Petitioner. Subsequently, the Execution Petitioner filed an IA, being IA No. 18 of 2016, after furnishing a copy of the said IA to the Judgment Debtor. The system which is existing in this Appellate Tribunal is slightly defective, which requires rectification. We give suggestions to the Hon'ble Chairperson of this Appellate Tribunal to please look into. The legal as well as judicial norms require that after fixing some future date, whenever application is being moved in the matter, the Registry should be directed to endorse the said application on the next order sheet along with proceedings required to be done so that the Bench while hearing something in between i.e. before the date fixed for further hearing may be able to see the current status of that matter. Since, the system prevailing in this Appellate

Tribunal is that after fixing this matter for 5.2.2016 for further hearing, the IA No. 18 of 2016 in EP No. 2 of 2015 has been kept directly in the Registry of this Tribunal without there being any office report or endorsement. Consequently, the said IA No. 18 of 2016 has directly been presented before us even without knowing the fact on which date the said application was moved before the Registry.

We suggest to the Hon'ble Chairperson of this Appellate Tribunal as under:

- (a) Whenever any IA is moved in any matter, then the Registry should be directed to make an endorsement or report thereon and then with this endorsement the same application should be presented before the concerned Bench and the Registry at this stage should ensure whether the copy of the application is furnished to the learned counsel of the other side.
- (b) The practice of putting any IA before the concerned Bench without any endorsement of the Registry thereon should be stopped.

Post this IA, being IA No. 18 of 2016, for order tomorrow i.e. 5th February, 2016 when the hearing of this matter is already fixed.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

vt/vg