

**Court-II**

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

**IA No. 416 of 2015 In DFR No. 1566 of 2015**

Dated : 08<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:

**National Aluminium Company Ltd.**

**...Appellant(s)**

**Versus**

**Odisha Electricity Regulatory Commission & Ors.**

**...Respondent(s)**

Counsel for the Appellant : Mr. Vijay K. Gupta

Counsel for the Respondent(s) : Mr. Rutwik Panda for Mrs. Anshu Malik for R.1,  
OERC

**ORDER**

The learned counsel for the State Commission Mr. Rutwik Panda prays for and is granted two weeks time to file counter Affidavit/Reply and rejoinder, if any, be filed within two weeks thereafter.

We deem it proper to bring it to the notice of the Hon'ble Chairperson of this Appellate Tribunal that the Registry should be issued some directions regarding the matter that when any defective appeal is returned to the concerned party or counsel then there should be some specific time frame within which that party should be required to re-file the appeal after curing the defect(s) because due to non-specification of time by the Registry of this Appellate Tribunal the liberty is being misused throughout in re-filing the defective appeal and parties files the same any time when the party desires. Consequently this Appellate Tribunal is facing the situation; first to hear the delay in re-filing the defective appeal only because no timeframe is given by the Registry while returning the defective appeal and after condoning the said delay in re-filing further, to hear the delay in filing the appeal thereby wasting lot of time of this Appellate Tribunal on such kind of proceedings.

The **Registry** is directed to put up the proceedings of this order before the Hon'ble Chairperson of this Appellate Tribunal for necessary direction in this regard. What has happened in this matter is that first there was a delay of 589 days in filing the appeal on the

ground of pendency of review Petition before the State Commission and when due to some defect the defective appeal was returned to the concerned party again a delay of 25 days occurred in re-filing the same. To meet such predicament and to obviate the difficulty on such scores this lapse on the part of the Registry should be ended.

Post the matter for hearing on **21<sup>st</sup> March, 2016.**

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

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

*sh/vt*