

COURT - I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NOS. 550 AND 722 OF 2016 IN
DFR NO. 3056 OF 2016**

Dated: 31st January, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of :

Shri Rama Shankar Awasthi & Anr. ...Appellant(s)

Vs.

Uttar Pradesh Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Anand K. Ganesan
Mrs. Swapna Seshadri

Counsel for the Respondent(s) : Mr. Umesh Prasad for
Mr. C. K. Rai for R.1

Mr. C. S. Vaidyanathan, Sr. Adv.
Mr. Sanjeev Kapoor
Ms. Divya Chaturvedi
Ms. Arunima Kedia for R.2, NPCL

Mr. Sanjay Sen, Sr. Adv.
Mr. Aditya Shankar
Mr. Sameer Kumar
Ms. Mandakini Ghosh for R.3

ORDER

IA NO. 722 OF 2016

In this application, Respondent No.2/Noida Power Company Limited has made the following prayers:

- (a) Allow the present application;
- (b) Requisition the Register of Mr. R.C. Verma, Advocate and Notary from his office situated at Collectorate Court, Lucknow, U.P. bearing Registration No. 31/64/2000 under section 120 (2) (d) of the Electricity

Act, 2003 in relation to the notarization of the Lease Agreement dated 10.10.2015 entered into between Mr. C.B. Paliwal and Appellant No.1;

(c) Alternatively, issue a commission for examination of the relevant entries in the Register of Mr. R.C. Verma in relation to the notarization of the Lease Agreement dated 10.10.2015 entered into between Mr. C.B. Paliwal and Appellant No.1 under Section 120 (2) (e) of the Electricity Act, 2003.”

It is the case of the applicant that Appellant No.1/Shri Rama Shankar Awasthi has tried to create locus by producing in this Tribunal a Lease Agreement dated 10.10.2015 contending that he is a tenant of one Mr. C.B. Paliwal at the premises situated at 200, Greenwood, Government Officers' Society, Sector Omega 1, Greater Noida. It is submitted that Appellant No.1 had not appeared before Mr. Verma the Notary and the Lease Agreement was attested on the basis of identification by an Advocate.

Paragraph Nos.5 & 10 of the application read as under:

“5. In view of the foregoing, NPCL conducted enquiries to verify whether Mr. Paliwal and the Appellant No.1 had appeared before the notary, namely, Mr. Verma, on 10.10.2015 to execute the lease agreement. It seems that Mr. Paliwal/Lessor and Appellant No.1 had not appeared before Mr. Verma and that the Lease Agreement was attested on the basis of identification by an Advocate. Pertinently, it is unclear whether the Advocate who has put his signatures on the last page of the Lease Agreement under “I Identity” stamp has identified Appellant No.1 or Mr. Paliwal/Lessor or both. Therefore, in this regard, it is felt necessary to verify the relevant records i.e., entries in the Register of the Notary.

10. It is therefore, submitted that to further enquire into the veracity of the Lease Agreement, the Register of Mr. Verma i.e. Notary ought to be requisitioned by this Hon'ble Tribunal under Section 120 (2) (d) of the

Electricity Act. Alternatively, a commission may be issued by this Hon'ble Tribunal to examine the relevant entries in the Register of Mr. R.C. Verma under Section 120 (2) (e) of the Electricity Act and place such report on record."

In view of the above, in exercise of power under Section 120 of the Electricity Act 2003, we summon Mr. R.C. Verma, Advocate and Notary, having office at Collectorate Court, Lucknow, U.P. bearing Registration No. 31/64/2000 to remain present in this Tribunal on 15.02.2017 at 11.00 a.m. with the Register in relation to the Lease Agreement dated 10.10.2015, which was notarized on 10.10.2015, entered into between Mr. C.B. Paliwal and Appellant No.1.

List the matter on 15.02.2017. Registry is directed to take appropriate steps.

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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