

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

Appeal No. 166 of 2015, A.No. 86 of 2014, A No.302 of 2013,
A No. 26 of 2013, A No. 49 of 2013, A No. 233 of 2013, A No.
102 of 2014 & A No. 144 of 2014

Dated : 18th November, 2015

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

Appeal No.166 of 2015

State Load Despatch Center, Karnataka Appellant(s)
Versus
Central Electricity Regulatory Commission & orsRespondent(s)

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

Counsel for the Respondent (s) : Mr. Manu Seshadri for R-3

Appeal No. 86 of 2014

In the matter of:

Chhattisgarh State Power Distribution Co. Ltd. Appellant(s)
Versus
Central Electricity Regulatory Commission & Ors.Respondent(s)

Counsel for the Appellant (s) : Mr. K Gopal Chaudhary

Counsel for the Respondent (s) : Mr. Nikhil Nayyar &
Mr. Dhananjay Baijal for R-1
Mr. M.G. Ramachandran,
Ms. Anushree Bardhan &
Ms. Ranjitha Ramachandran for R3-R4
Mr. S Vallinayagam for R-5
Mr. Tushar Nagar &
Mr. Hemant Singh for R-11 KSK Mahandi

Appeal Nos. 302 of 2013, A.No. 26 of 2013 & A.NO. 49 of 2013

State Load Despatch Center, Karnataka Appellant(s)
Versus

Central Electricity Regulatory Commission & Ors.Respondent(s)

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

Counsel for the Respondent (s) : Mr. Saurabh Mishra for R-1
Mr. Kumar Mihir for R-2

Appeal No. 233 of 2013

Powergrid Corporation of India Ltd. & Ors. Appellant(s)

Versus

Chhattisgarh State Electricity Regulatory Commission & Anr.Respondent(s)

Counsel for the Appellant (s) : Mr. M G Ramachandran
Ms. Anushree Bardhan &
Ms. Ranjitha Ramachandran

Counsel for the Respondent (s) : Mr. K Gopal Chaudhary
Ms Swapna Seshadri for R-1

Appeal No. 102 of 2014

Tamil Nadu Generation & Distribution Corporation Ltd. Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors.Respondent(s)

Counsel for the Appellant (s) : Mr. S Vallinayagam

Counsel for the Respondent (s) : Mr. M.G. Ramachandran &
Ms. Ranjitha Ramachandran for R3 & R-4
Mr. Hemant Singh &
Mr. Tushar Nagar for KSK Mahnadi for R-10

Appeal No. 144 of 2014

State Load Desptach Center, Karnataka Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors.Respondent(s)

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

Counsel for the Respondent (s) : Mr. Saurabh Mishra &
Mr. Manu Seshadri for R-3

ORDER

I.A. No. 432 of 2015 in Appeal No. 86 of 2014 has been moved by Shri K. Gopal Choudhary, learned counsel appearing for the appellant seeking correction or modification in the daily order dated 28.08.2015 on the ground that the observation made in the first sentence of second paragraph of the daily order dated 28.08.2015 being contrary to the facts and record is required to be deleted and further the observation made in the second sentence of second paragraph of the daily order dated 28.08.2015 being contrary to the facts should also be deleted on the ground as the learned counsel for the appellant never expressed any difficulty to argue on the excuse that the pleadings in Appeal No. 166 of 2015 be completed first as he has nothing to do with Appeal No. 166 of 2015. Further submission of the learned counsel for the appellant is that he never made any statement whatsoever about the completion of the pleadings in Appeal No. 166 of 2015 or made any excuse or any difficulty in addressing arguments.

We are well aware of the fact that the observation or facts mentioned in the daily orders always are based on the submissions raised by the learned counsel for the parties before the Court. Be that as it may, since Mr. K. Gopal Choudhary has filed his affidavit and after considering the same, we are of the opinion that there should remain no dispute about the fact that the affidavit filed by any counsel on behalf of any party should be given due consideration whether it is factually correct or not because these things being of minor nature create unnecessary conflicts in the administration of justice.

Since it is a long batch of Appeals, we think it proper to believe the affidavit filed by Mr. K. Gopal Choudhary, learned counsel appearing for the appellant to be correct and accordingly make the relevant corrections as sought by learned counsel for the appellant in our daily order dated 28.08.2015. Although it is a long batch of Appeals, the completion or non-completion of pleadings in a particular Appeal on a particular date would not affect the merits or subsequent disposal of the individual Appeal. Even then, in the above facts and circumstances and considering the present batch of Appeals, the said corrections should be made. Accordingly, we make the following corrections in our daily order dated 28.08.2015.

“In paragraph two in place of ‘Appeal No. 86 of 2014’, it shall be read as ‘Appeal No. 166 of 2015’. The fact is that on that particular date, no arguments could be made irrespective of the fact whether pleadings in one or the other Appeal were not complete. We also think it proper to remove the words from this order sheet to the effect that Shri K. Gopal Choudhary, learned counsel for the appellant is feeling difficulty to argue on the excuse ‘let the pleadings in Appeal No. 166 of 2015 be completed first’. We are making the said correction just to ensure disposal of the Appeals because these are old Appeals. In the light of above observations, the I.A. No. 432 of 2015 is disposed of.

We are well aware of the fact that some of the Appeals in the present batch of Appeals are of the year 2013 and 2014. In Appeal No. 166 of 2015, the pleadings are said to be still not complete as reply affidavit on behalf of the respondent has been filed today and learned counsel for the appellant wants some time to file rejoinder affidavit for which we grant three weeks time from today.

Post this batch of Appeals for hearing on **19th January, 2016.**

The date already fixed in this batch of Appeals for **19th November, 2015** is hereby cancelled.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

rkt/vt