

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

APPEAL NO. 403 OF 2017 & IA NO. 1179 OF 2017,
APPEAL NO. 04 OF 2018 & IA NO. 24 OF 2018,
APPEAL NO. 29 OF 2018 & IA NO. 1220 OF 2018 AND
APPEAL NO. 35 OF 2018 & IA NOS. 1218, 1459 & 1462 OF 2018

Dated: 23rd October, 2018

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. S.D. Dubey, Technical Member

APPEAL NO. 403 OF 2017 &
IA NO. 1179 OF 2017

In the matter of:

NTPC Vidyut Vyapar Nigam Limited

... **Appellant(s)**

Vs.

M/s. Godawari Green Energy Limited & Ors.

... **Respondent(s)**

Counsel for the Appellant (s) : Ms. Anushree Bardhan
Mr. Pulkit Agrwal

Counsel for the Respondent(s) : Mr. Raunak Jain
Mr. Vishvendra Tomar for R-1

Mr. Rajinder Nischal
Mr. Mayank Joshi for R-3

Mr. Anand K. Ganesan
Mr. Ashwini Ramanathan for R-10 to R-12

Mr. Rajiv Srivastava
Ms. Garima Srivastava
Ms. Gargi Srivastava for R-13

ORDER

Learned counsel, Mr. Ashwin Ramanathan representing learned counsel Mr. Anand K. Ganesan for the Respondent Nos. 10 to 12, submitted that, they do not propose to file reply in this matter.

Learned counsel, Ms. Gargi Srivastava, appearing for the Respondent No. 13 prays for two weeks time to file her reply in this matter. Learned counsel, Ms.

Anushree Bardhan, appearing for the Appellant also prays for four weeks time thereafter to file her rejoinder in the matter.

Submissions made by the learned counsel appearing for the Appellant and learned counsel for the Respondent Nos. 10 to 12 and 13, as stated supra, are placed on record.

Learned counsel appearing for the Respondent No. 13 is permitted to file her reply in this matter by 12.10.2018, after duly serving copy to the learned counsel for the Appellant. Thereafter, learned counsel appearing for the Appellant is permitted to file her rejoinder in the matter by 10.12.2018, after duly serving copy on the learned counsel for the Respondent Nos. 1, 3, 10 to 12 and 13.

**APPEAL NO. 04 OF 2018 &
IA NO. 24 OF 2018**

In the matter of:

NTPC Vidyut Vyapar Nigam Limited

... **Appellant(s)**

Vs.

MEIL Green Power Limited & Ors.

... **Respondent(s)**

Counsel for the Appellant (s) : Ms. Anushree Bardhan
Mr. Pulkit Agrwal

Counsel for the Respondent(s) : Mr. Anand Kr. Shrivastava
Mr. Nishant Talwar for R-1

Mr. Rajinder Nischal
Mr. Mayank Joshi for R-3

Mr. Rajiv Srivastava
Ms. Garima Srivastava
Ms. Gargi Srivastava for R-13

ORDER

Learned counsel, Mr. Anand Kumar Shrivastava, appearing for the first Respondent submitted that, he will file his reply in this matter during the course of the day.

Learned counsel, Mr. Rajinder Nischal, appearing for the third Respondent submitted that, they do not propose to file reply in this matter.

Learned counsel, Ms. Gargi Srivastava, appearing for the Respondent No. 13 prays for two weeks time to file her reply in this matter. Learned counsel, Ms. Anushree Bardhan, appearing for the Appellant also prays for four weeks time thereafter to file her rejoinder in this matter.

Submissions made by the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondents Nos. 1, 3 and 13, as stated above, are placed on record.

Learned counsel appearing for the first Respondent is permitted to file his reply during the course of the day in the Registry, after duly serving copy to the learned counsel for the Appellant.

Learned counsel appearing for the Respondent No. 13 is permitted to file her reply in this matter by 12.10.2018, after duly serving copy to the learned counsel for the Appellant. Thereafter, learned counsel appearing for the Appellant is permitted to file her rejoinder in the matter by 10.12.2018, after duly serving copy to the learned counsel for the Respondent Nos. 1, 3 and 13.

APPEAL NO. 29 OF 2018 &
IA NO. 1220 OF 2018

In the matter of:

Godawari Green Energy Limited

.... Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Raunak Jain
Mr. Vishvendra Tomar

Counsel for the Respondent(s) : Ms. Anushree Bardhan
Mr. Pulkit Agrwal for R-2

Mr. Rajinder Nischal
Mr. Mayank Joshi for R-3

Mr. Anand K. Ganesan
Mr. Ashwini Ramanathan for R-10 to R-12

Mr. Rajiv Srivastava
Ms. Garima Srivastava
Ms. Gargi Srivastava for R-13

ORDER
IA NO. 1220 OF 2018
(for Recall of the Order dt. 01.08.2018)

In this application, the third Respondent has prayed for recalling of this Tribunal Order dated 01.08.2018 passed in Appeal No. 29 of 2018.

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the third Respondent.

In the light of the statement made in the application and the reasons stated therein, the same was accepted. Order dated 01.08.2018 passed by this Tribunal in Appeal No. 29 of 2018 is recalled. Accordingly, the instant IA is disposed of.

APPEAL NO. 29 OF 2018

Learned counsel appearing for the third Respondent prays for four weeks time to file his reply in this matter.

Learned counsel appearing for the Respondent No. 13 undertakes to file her reply in this matter within 10 days. Learned counsel appearing for the Appellant also prays for four weeks time thereafter to file her rejoinder in this matter.

Submissions made by the learned counsel appearing for the Appellant and the Respondents. as stated supra, are placed on record.

Learned counsel appearing for the third Respondent is permitted to file his reply by 20.11.2018, after duly serving copy to the learned counsel for the Appellant.

Learned counsel appearing for the Respondent No. 13 is permitted to file her reply in this matter within 10 days from today i.e. 02.11.2018, after duly serving copy to the learned counsel for the Appellant. Thereafter, learned counsel appearing for the Appellant is permitted to file her rejoinder in the matter

by 30.11.2018, after duly serving copy to the learned counsel appearing for the Respondent Nos. 1, 2, 3 10 to 12 and 13.

**APPEAL NO. 35 OF 2018 &
IA NOS. 1218, 1459 & 1462 OF 2018**

In the matter of:

Rajasthan Sun Technique Pvt. Ltd.

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

Vs.

Central Electricity Regulatory Commission & Ors.

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

Counsel for the Appellant(s) : Mr. Buddy R.Ranganadhan
Mr. Hasan Murtaza
Ms. Bushra Waseem

Counsel for the Respondent(s) : Ms. Anushree Bardhan
Mr. Pulkit Agrwal for R-2

Mr. Mayank Joshi
Mr. Rajender Nischal for R-3

ORDER

IA NO. 1218 OF 2018

(Delay in filing rejoinder)

Learned counsel, Mr. Buddy A. Ranganadhan, appearing for the Appellant submitted that, the instant application has been filed by the Appellant for condonation of delay of 88 days in filing the rejoinder. Further, he submitted that, in the light of the statement made in the Application and the reasons stated therein, the same may kindly be accepted and the delay of 88 days in filing the rejoinder may kindly be condoned in the interest of justice and equity.

Submissions made by the learned counsel appearing for the Appellant, as stated supra, are placed on record.

In the light of the statement made by the learned counsel appearing for the Appellant and the reasons stated therein in the application, we find that the delay in filing rejoinder has been explained satisfactorily and sufficient cause has been shown in the application. The same was accepted. Delay of 88 days in filing rejoinder is condoned. Accordingly, instant IA stands disposed of.

IA NO. 1459 OF 2018
(Permission to file Additional Documents)

Heard learned counsel appearing for the Appellant and the Respondents.

Learned counsel appearing for Respondents, at the outset, submitted that, they do not have any objection for allowing the production of additional documents filed by the Appellant.

Submissions made by learned counsel appearing for the Appellant and learned counsel appearing for the Respondents, as stated supra, are placed on record.

In the light of the submissions made by learned counsel appearing for the Appellant and learned counsel appearing for the Respondents and the reasons stated in the application, the same was accepted. Learned counsel appearing for the Appellant is permitted to file additional documents to substantiate his case. With these observations, the instant IA filed by the Appellant stands disposed of.

IA NO. 1462 OF 2018
(For Impleadment)

Issue notice on IA No. 1462 of 2018 returnable on 30.11.2018. Dasti, in addition, is also permitted.

APPEAL NO. 35 OF 2018 &
IA NO. 1462 OF 2018

Learned counsel, Mr. Rajinder Nischal, appearing for the third Respondent prays for four weeks time to file his reply in this matter.

Learned counsel, Mr. Buddy A. Ranganadhan, appearing for the Appellant also prays for four weeks time thereafter to file his rejoinder in this matter.

Submissions made by the learned counsel appearing for the third Respondent and learned counsel appearing for the Appellant, as stated supra, are placed on record.

Learned counsel appearing for the third Respondent is permitted to file his reply by 20.11.2018, after duly serving copy to the learned counsel for the Appellant. Thereafter, learned counsel appearing for the Appellant is permitted to file his rejoinder in the matter by 18.12.2018, after duly serving copy to the learned counsel for the Respondent Nos. 2 and 3.

APPEAL NO. 403 OF 2017 & IA NO. 1179 OF 2017,
APPEAL NO. 04 OF 2018 & IA NO. 24 OF 2018,
APPEAL NO. 29 OF 2018 AND
APPEAL NO. 35 OF 2018 & IA NO. 1462 OF 2018

List this batch of Appeals on **17.01.2019** as agreed by the learned counsel appearing for the Appellant and the Respondents.

(S.D. Dubey)
Technical Member
vt/js

(Justice N.K. Patil)
Judicial Member