

COURT-I

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

DFR NOS. 3111 OF 2017, 3112 OF 2017 & 3113 OF 2017

Dated: 18th September, 2017

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

In the matter of:

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| 1. Aurum Renewable Energy Pvt. Ltd. | ...Appellant No.1 |
| 2. Diwarkar Solar Projects Ltd. | ...Appellant No.2 |
| 3. KVK Energy Ventures Pvt. Ltd. | ...Appellant No.3 |

Versus

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| 1. Central Electricity Regulatory Commission | ...Respondent No.1 |
| 2. NTPC Vidyut Vayapar Nigam Ltd. | ...Respondent No.2 |
| 3. Ministry of New and Renewable Energy | ...Respondent No.3 |

Counsel for the Appellant(s) :	Mr. Soli Sorabjee, Sr. Adv. Mr. S.B. Upadhyay, Sr. Adv. Mr. Gopal Jain, Sr. Adv. Mr. Anand Kumar Srivastava Ms. Molshree Bhatnagar Ms. Chimmayee Chandra Ms. Manpreet Kaur
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Counsel for the Respondent(s) :	Ms. Ranjitha Ramachandran Ms. Anushree Bardhan for R-2
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ORDER

This matter was moved before us in the morning session. We were informed that the Central Electricity Regulatory Commission (**Central**

Commission”) had dismissed the Application for amendment filed by the Appellants namely Aurum Renewable Energy Pvt. Ltd., Diwarkar Solar Projects Ltd. and KVK Energy Ventures Pvt. Ltd. We were informed that the order was not made available to the Appellants despite request. We were also informed that the Central Commission is to hear the matter tomorrow. We, therefore, expressed that the learned counsel should inform the Central Commission that we feel that the order should be made available to the Appellants. We gave liberty to the learned counsel to mention the matter before us at 2.30 p.m. The matter is again mentioned before us at 2.30 p.m. We are informed that the Central Commission has uploaded the order and the copy of the order is available with the Appellants. Learned counsel states that the appeal memo is ready and will be filed today. In the circumstances we list the appeal for admission on 20.09.2017.

We direct the learned counsel for appellants to serve Ministry of New and Renewable Energy and also the Central Commission and other Discoms. On Wednesday appropriate order will be passed. The appellants would be at liberty to mention the matter before the Central Commission tomorrow and inform the Central Commission that the matter is listed on Wednesday i.e. 20.09.2017. This Tribunal will be hearing it. The Appellant would be at liberty to ask for adjournment.

We must, however, mention that in the morning session we directed the learned counsel for the appellants to inform the Central Commission that its lawyer or representative should appear before us at 2.30 p.m. Ms. Molshree Bhatnagar, learned counsel for the appellant states that she in fact informed the Secretary of the Central Commission, Mr. Sanoj Kumar

Jha and conveyed that we wanted the representative of the Central Commission to remain present before us. Learned Counsel submitted that the Secretary informed her that within one and half hour it would not be possible for the Central Commission to depute anybody to this Tribunal and moreover the Central Commission has taken a conscious decision not to defend its Orders before this Tribunal.

We are surprised and distressed at this because the Central Commission is always represented before us. Moreover sometimes we require assistance of the counsel of the Commissions. List this matter for hearing as a first matter on **20.09.2017**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

bn/mk