

**COURT-I**

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

**IA NO. 295 OF 2018 IN DFR (RP) NO. 438 OF 2018  
IN DFR NO. 1787 OF 2017**

**Dated: 19<sup>th</sup> March, 2018**

**Present: Hon'ble Mr. I. J. Kapoor, Technical Member  
Hon'ble Mr. Justice N. K. Patil, Judicial Member**

**In the matter of:**

**Dr. Bharat Jhunjunwala**

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

**Vs.**

**Uttar Pradesh Electricity Regulatory Commission  
& Ors.**

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

Counsel for the Appellant(s) : Mr. Gaurav Ray

Counsel for the Respondent(s) : Mr. C. K. Rai  
Mr. Mohit Rai for R-1

Mr. Vishrov Mukherjee for R-2

Mr. Rajiv Srivastava  
Ms. Garima Srivastava  
Ms. Gargi Srivastava for R-3

**ORDER**

**(IA NO. 295 OF 2018 – for waiver of court fee  
in respect of Review Petition)**

This is an application filed by the Applicant praying for waiver of court fee in filing Review Petition against the order dated 3.1.2018 passed by this Tribunal dismissing the Appellant's application i.e. IA No. 471 of 2017 for waiver of court fee in filing the instant appeal.

The Applicant prays for waiver of court fee contending that it does not have financial capacity to pay the fee of Rs. 30,000/- for review petition and Rs.1 Lac for appeal. It further contends that -

- a) This Tribunal has, on two separate occasions in the past, passed orders expressing an inclination to grant the Applicant/Appellant an exemption from paying court fees.
- b) The Applicant/Appellant is a retired teacher and is aged 68 years. The Applicant/Appellant's net income for the assessment year 2016-17 is only Rs. 3,26,023/-.
- c) As an individual retail consumer of electricity, the Applicant does not have the same resources as large corporate bulk consumers would enjoy and is not in a position to pay the high court fees.

It is further contended that the instant appeal raised several extremely important and critical questions of substantial public importance viz. whether the plain language of Section 8 of the Electricity Act, 2003 prohibits a project proponent from changing the design and project cost of a hydro-electric plant without the prior approval of the Central Electricity Authority.

It is further contended that he is actively working to protect and promote the public interest and in terms of Rule 55 of the Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules 2007 this Tribunal has a power to waive the court fees for advancing the cause of justice or for any other reasons it considers appropriate. It is

further contended that waiver of court fees can be granted to advance the cause of justice.

It is also further contended to waive the court fee of Rs. 1 lac in filing the instant appeal. We have heard learned counsel for the Applicant and noted the submissions offered for the waiver of court fee in filing the instant appeal and are of the considered view to waive the court fee upto Rs. 50,000/-. However, an appropriate order to that effect shall be passed during the hearing of review petition against order dated 3.1.2018.

In the facts of this case we are not inclined to waive the court fees in filing Review Petition. The burden of court fees is not excessive. Hence, this application is not allowed. Accordingly, IA No. 295 of 2018 for waiver of court fee in filing Review Petition stands disposed of.

Registry is directed to number the Review Petition after receiving the compliance report from the Applicant/Appellant and list the matter on **18.04.2018.**

**(Justice N. K. Patil)**  
**Judicial Member**

**(I.J. Kapoor)**  
**Technical Member**

*mk/vt*