

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

IA No. 130 of 2016 in DFR No. 1437 of 2015

Dated : **15th March, 2016**

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

In the matter of :

D.P. Chirania & Anr. ... **Appellant(s)**
Versus
Rajasthan Electricity Regulatory Commission & Ors. ... **Respondent(s)**

Counsel for the Appellant(s) : Mr. D. P. Chirania
Mr. B.M. Sanadhya
Counsel for the Respondent(s) : --

ORDER

1. Mr. D.P. Chirania was, on the previous date i.e. 7.1.2016, directed as under:

"Mr. D.P. Chirania is directed to go through the office report of this Tribunal and then remove the defects mentioned therein. We further make it clear that unless the relevant defects are removed by the appellant, we will not be able to hear this Appeal on the issue of maintainability.

Mr. Chirania is directed to remove all the defects within two months from today failing which this Appeal shall be deemed to be dismissed without any further order.

Post this Appeal for maintainability on 15th March, 2016."

2. On our query, Mr. D.P. Chirania submits that for the purpose of curing defects, he has consulted the Registry of this Appellate Tribunal. Therefore, he has filed the instant IA, being IA No. 130 of 2016 in DFR No. 1437 of 2015, praying for clubbing of three orders in a single appeal. The Appeal Memorandum itself shows that Mr. D.P. Chirania has filed this time barred appeal against three orders of the State Commission in various true-up petitions. After going through the office report, we passed the order on 7.1.2016 as quoted above.

3. Today, on our query to Mr. D.P. Chirania whether he has removed all the defects mentioned in the order, he submits that he simply wants clubbing of three orders in a single appeal. There is no provision either in the CPC or in the Electricity Act, 2003 authorizing this Appellate Tribunal to club three orders in a single appeal. The requirement of CPC is that first individual appeal has to be filed against every impugned order after filing the relevant appeals which are three as against three orders, then only the question of hearing on delay condonation as well as on waiver of court fee can be decided. At this stage, Mr. D.P. Chirania clearly admits that he has not removed the said defects within the period of two months, as directed in our aforementioned order, dated 7.1.2016, this IA, being IA No. 130 of 2016 in DFR No. 1437 of 2015 should be dismissed giving liberty to him to file

three separate appeals against three orders. In this view of the matter and in the light of our previous order, dated 7.1.2016, since, Mr. D.P. Chirania has failed to remove the defects within the period of two months, **this IA, being IA No. 130 of 2016 in DFR No. 1437 of 2015 and DFR No. 1437 of 2015, are hereby dismissed.** He is directed to file separate appeal against individual true-up order of the State Commission. The point of condonation of delay as well as waiver of court fee shall be considered at that stage.

4. Since, we are not touching the points of delay condonation or waiver of court fee, the order granting liberty to Mr. D.P. Chirania, today, shall not be treated as the one to have been granted liberty to Mr. D.P. Chirania that the appeals to be filed later will be treated fit for delay condonation and waiver of court fee. The request of Mr. D.P. Chirania for withdrawal of appeal is hereby rejected. Since, there is no appeal in existence, there is no question for granting any permission for withdrawal.

(T. Munikrishnaiah)
Technical Member

vt/kt

(Justice Surendra Kumar)
Judicial Member