

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 149 of 2013 &
IA No. 216 of 2013

Dated: 17th July, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

Sasan Power Ltd. ... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the Appellant (s) : Mr. Amit Kapur
Mr. Vishrov Mukherjee
Ms. Ritika Arora

Counsel for the Respondent(s) : Mr. M.G. Ramachandran
Mr. Chirag Kher for R-8,9,10 & 15
Mr. Pradeep Misra
Mr. Manoj Kr. Sharma
Mr. G. Umapathy for R-3
Mr. Gopal Jain &
Mr. Alok Shankar for R-1
Mr. Sitiesh Mukherjee
Mr. Sakya Singha Chaudhury
Mr. Gautam Chawla for R-2
Mr. C.N. Murthy, Mr. S. Mazuhder &
Mr. R.K. Soni (Rep.) for R.18

ORDER

After admitting the Appeal, we issued notice to Respondent nos. 1 to 18. Some of the Respondents have filed their replies as directed by this Tribunal and some others have not yet filed their replies.

In the meantime, we have received a letter from Respondent No.18 through his Representative- Mr.Murthy, Executive Director, requesting the Chairperson to set aside the Order of the Commission

dated 20.06.2013 and to give the finding that the test certificate issued by the Respondent is valid.

This is highly unwarranted. As one of the Respondents, he is expected to file his reply only before this Court and not to send a letter addressing to Chairperson praying for setting aside the Order of the Central Commission, which is the impugned Order in the present Appeal.

Mr. C.N.Murthy, who has sent this letter on behalf of R.18, is present today in the Court. He submits that out of ignorance he had sent the letter. However, we are not happy with that explanation as the ignorance of law cannot be a ground to excuse the misconduct committed by the party to the Appeal pending before us.

Therefore, we issue show cause notice to him as to why penal action should not be taken for the act committed by him by sending a letter directly addressing to the Chairperson that too in a judicial proceedings.

The explanation of Mr. C.N. Murthy by way of an affidavit must reach this Tribunal on or before 24.07.2013. On the next date of hearing i.e, 06.08.2013, Mr. C.N. Murthy appearing on behalf of Respondent No. 18 should be present in the Court through the counsel or as a party in person. On that day, this Tribunal will consider the future course of action to be taken in this matter.

IA No. 216 of 2013
(Appl. for stay)

We have heard the arguments in I.A. seeking for the interim relief. We feel that it would be appropriate to take the main Appeal itself for final disposal instead of passing Orders in this I.A. Thus, the I.A.No. 216 of 2013 is disposed of as no interim Order need be passed as of now.

Post the main Appeal for final disposal on **6th & 7th August, 2013.** In the meantime, the learned counsel for the Respondents are directed to file their respective replies on or before 24.07.2013 after serving copy on the other side. Thereafter, Rejoinder, if any, be filed on or before 02.08.2013 after serving copy on the other side. The parties shall be ready to argue the matter and to finish their submissions on the adjourned dates, namely 6th & 7th August, 2013. In view of the urgency pointed out by the learned counsel for the Appellant, no adjournment will be granted on those dates.

(Rakesh Nath)
Technical Member
ts/pg

(Justice M. Karpaga Vinayagam)
Chairperson