

COURT-I

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**Appeal No. 80 of 2014 &
IA Nos. 149 & 151 of 2014**

Dated : 6th May, 2014

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

**Education Research & Development Foundation ... Appellant(s)
Versus
Central Electricity Regulatory Commission & Ors. ... Respondent(s)**

Counsel for the Appellant (s) : Mr. Ambar Qamaruddin

**Counsel for the Respondent (s) : Mr. Vishal Gupta
Mr. Kumar Mihir for R-2**

ORDER

The main Appeal was heard at length on 28.4.2014. After hearing the parties, we put some suggestions to both the parties to arrive at some settlement so that we may pass appropriate orders to protect the interest of both the parties. The Learned Counsel for both the parties sought for some time for getting instructions from the parties. Accordingly, time was granted. The Appeal was adjourned to 6.5.2014 for further hearing.

In the meantime, a letter has been received from Regional Institute of Science and Technology i.e. ERD Foundation, Guwahati addressed to Chairperson giving various details about sufferings that students experienced due to the action of the Respondent in putting transmission line over the Hostel campus of the Institution and prayed for appropriate relief in their favour. This letter contained the signatures of students numbering 537 studying in the said institution praying for the relief in their favour.

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When the Appeal was taken up on 6.5.2014, it was noticed that earlier Counsel has been changed and new Counsel on behalf of the Appellant represented the matter. When we pointed out this letter to the present Counsel appearing for the Appellant, he seeks for apology but submits that it has been done without lawyer's knowledge. This is a very sorry state of affairs.

In the circumstance, we deem it appropriate to call for the explanation from the person concerned Mr. Mahbubal Hoque, Chancellor of the Foundation as to why this has happened. After receipt of the explanation, we will decide the further course of action. He must file the explanation through his affidavit on or before 9.5.2014.

Post the matter for further hearing on **12.5.2014**.

(Rakesh Nath)
Technical Member
mk/kt

(Justice M. Karpaga Vinayagam)
Chairperson