

**Before the Appellate Tribunal for Electricity**  
(Appellate Jurisdiction)  
**Appeal No. 137 of 2012**

**Dated : 11<sup>th</sup> October, 2012**

**Present: Hon'ble Mr. Justice P.S. Datta, Judicial Member**  
**Hon'ble Mr. V.J. Talwar, Technical Member**

**Western Electricity Supply Co. Ltd.**

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

**Versus**

**Orissa Electricity Regulatory Commission & Ors.**

**...Respondent (s)**

Counsel for the Appellant(s) : Mr. Suresh Tripathy

Counsel for the Respondent(s) : Mr. Rutwik Panda and Mr.B.K.Naik for R.1  
Mr. R.M. Patnaik and  
Mr. Dhananjaya Mishra for R-3

**ORDER**

Mr. Naik along with Mr. Rutwik Panda appears on behalf of the Commission and submits that by the course of day he will be filing counter-affidavit on behalf of the Commission. There was an order passed by the Court No.1 expressing unhappiness over the conduct of the Commission as the Commission was delaying in filing its reply. Yesterday was the last date allowed for filing the reply and it was not filed and only today Mr. Naik, now is proposing to file it. Learned counsel for the appellant, Mr. Tripathi vehemently opposes the move of the learned counsel for the Commission. However, it appears that counter-affidavit is proposed to be filed today in the Registry. We allow him to file the counter-affidavit by the course of the day. Learned counsel for the appellant has acknowledged receipt of the copy of the counter-affidavit. Learned advocates for the respondent no.2 and 3 have already filed their respective counter-affidavits upon service of copy. None appears for the respondent no.4, Gridco Ltd. Accordingly, we fix 6.11.2012 for hearing of the appeal. If need be, the appellant may file rejoinder before date of hearing.

**(V.J. Talwar)**  
**Technical Member**  
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**(Justice P.S. Datta)**  
**Judicial Member**

