

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

Appeal No.162 of 2014 and 163 of 2014

Dated: 17th October, 2014

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Nayan Mani Borah, Technical Member (P&NG)**

Appeal No.162 of 2014

**Niko Resources Ltd. Appellant (s)
Versus
Gujarat State Petronet Ltd. & Ors. ... Respondent (s)**

Appeal No. 163 of 2014

**Niko Resources Ltd. Appellant (s)
Versus
Gujarat State Petronet Ltd. & Ors. ... Respondent (s)**

**Counsel for the Appellant(s) : Mr. Abhas Kumar
Ms. Divya Roy**

**Counsel for the Respondent(s) : Mr. Piyush Joshi
Ms. Sumiti Yadava for GSPL & GSPCL
Mr. Tushita Ghosh for R-2
Ms. Sonali Malhotra for PNGRB**

ORDER

We have heard both the parties in Appeal No. 162 of 2014 and 163 of 2014. It is settled law that the Orders passed in the Review petitions confirming original orders cannot be challenged in the Appeals before this Tribunal as pointed out by Ms. Sonali Malhotra, Learned Counsel for Board.

Admittedly, these Appeals are against the Review Orders and, as such, these Appeals are not maintainable. Hence, these Appeals are dismissed.

Before parting with this case, we have to point out that some adverse remarks have been made in the minority order by one of the Members of Board, criticizing the conduct of the Senior Counsel who appeared before the Board on behalf of the Petitioner.

We feel that the said remarks are irrelevant and unwarranted. It is settled law that, the judicial authorities, to the maximum extent possible, should refrain from passing strictures that too against the Senior Counsel, as it will affect their future career.

At this juncture, we shall point out that the said Senior Counsel, has been regularly appearing before this Tribunal, and we notice that he is upright showing utmost respect to the courts.

However, it is our duty to advise the said Learned Senior Counsel that he should not in the future, at any cost, create an impression in the minds of any judicial authority that he is not behaving well.

In the light of the above, those adverse remarks passed in the minority order against the said Senior Counsel are hereby expunged.

(Nayan Mani Borah)
Technical Member (P&NG)

(Justice M. Karpaga Vinayagam)
Chairperson

Jp/Vg