

COURT-II

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

Appeal No. 119 of 2013

Dated : 11th October, 2013

**Present: Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice Surendra Kumar, Judicial Member**

Chhattisgarh State Power Distribution Co. Ltd. ... Appellant(s)

Versus

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

Counsel for the Appellant(s) : Ms. Suparna Srivastava

Counsel for the Respondent(s) : Ms. Ranjitha Ramachandran
for R-2&3
Mr. M.S. Ramalingam for R-1
Mr. Manoj Dubey

ORDER

The Learned Counsel for the Central Commission wants to file the reply. He is permitted to do so on or before 28.10.2013 after serving copy on the other side.

Post the matter for hearing on **13th November, 2013.** In the meantime, the Appellant is at liberty to file the Rejoinder.

The IA No. 288 of 2013 is an application for impleadment under Section 111 of the Electricity Act and Order 1 Rule 10 of the CPC.

M.P. Power Management Co. Ltd, the applicant has moved IA 288 of 2013 for impleadment on the ground that the applicant is the fully owned

company of Govt. of Madhya Pradesh and is the holding company of all the three distributor companies of the state of M.P. The applicant was one of the Respondents in Petition No. 135/TT/2012 and was arrayed as Respondent No.17. The applicant is also aggrieved by the impugned order in the present appeal and fully supports the ground urged and reliefs sought by the Appellant. However, the applicant has not preferred any separate appeal. The application further states that the applicant does not have any clashing interest with the Appellant in the present appeal.

The Learned Counsel for the applicant has submitted that though the applicant was party before the Central Commission but even after personal service, the applicant has not appeared before the Central Commission. Thus, there is a candid submission of the learned counsel for the applicant that the applicant did not appear or filed any reply before the Central Commission even after due service and knowledge of the said petition. This application clearly mentions that the applicant fully supports the ground taken in the Memorandum of Appeal and the reliefs sought by the Appellant. It appears from the records that the applicant even after service of the notice or having knowledge had not intentionally and knowingly appeared before the Central Commission and did not file any reply or Counter Affidavit. Since the applicant has no clashing interest with the appellant and fully supports the ground of appeal and the reliefs sought in the Appeal, there is no justification to allow the impleadment application.

After hearing the Learned Counsel of the Applicant and going through the impleadment application and records, we find no sufficient ground to allow the impleadment application. With this observation the IA No. 288 of 2013 is accordingly dismissed.

(Justice Surendra Kumar)
Judicial Member

(Rakesh Nath)
Technical Member