

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

COURT-II

**IA NOS. 649 & 464 OF 2022 IN
DFR NO. 180 OF 2021 &
IA NO. 733 OF 2021**

Dated: **15.07.2022**

Present: **Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

In the matter of:

Faridabad Industries Association

.... Appellant (s)

Vs.

Haryana Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Vishal Sharma
Ms. Sunita Gupta
Mr. Jitender Sharma

Counsel for the Respondent(s) : Mr. Ssahil Sood for R-2 & R-3

ORDER

1. The matter pertains to Court-1 and has been placed before this Bench with the request for urgent listing (IA 649 of 2022) along with an application (IA 464 of 2022) for transfer of the matter from Court-1 to Court-2. We have heard the learned counsel.

2. The office of Chairperson of this Tribunal fell vacant upon completion of the tenure of Hon'ble Mrs. Justice Manjula Chellur, the then Chairperson, on 12.08.2021. Another vacancy in the office of Technical Member (Electricity) occurred upon completion of the tenure of Hon'ble Mr. Ravindra Kumar Verma, the then Technical Member (Electricity) on 28.11.2021. Both the said vacancies have not yet been filled up and there is no information available as to when they are likely to be filled. This Tribunal has been working at half the sanctioned strength for purposes of jurisdiction under Electricity Act, since 28.11.2021.

3. As a result of the above, Court-1 which is traditionally presided over by the Chairperson has remained dysfunctional, matters pending there being adjourned from time to time by the Court Master. Though this Bench has been taking up the matters pertaining to Court-1, by supplementary cause lists, as and when requests are made for urgent hearing, the progress even for completion of the cases at the stage of service/pleadings is held up in a large number of matters. For similar

reasons, routine interlocutory applications filed in cases assigned to Court-1 have also not been taken up coming in the way of such cases being ripened and made ready for final hearing.

4. Though pursuant to decision taken recently by the Full Tribunal in its meeting, appropriate orders have been issued authorizing the Registrar to consider and dispose of uncontested applications in exercise of her delegated judicial functions, a more proactive approach is required.

5. In order to speed up the disposal of the matters pending on the file of Court-2, certain reforms had been introduced by directions through Orders dated 17.07.2020, 28.09.2021 and 30.11.2021 passed in Appeal nos. 232 of 2016, 2 of 2015 and 235 of 2021 respectively. As a result of the said directions, the cases ready for hearing, after completion of service/pleadings, are put in the '*List of Finals*' and the matters which involve short/narrow issues falling in the category called '*Short Matters*' taken up from a separate list maintained for the purpose on specified day of the week, there being a separate track for taking care of priority matters.

6. Because of the existing vacancies disrupting the progress in matters of Court-1, we have been receiving a large number of requests for transfer of the cases from the file of Court-1 to Court-2. Transfer of matters for such reason may not be the correct solution since that would dislocate the settled system leaving no time for effective hearing/disposal.

7. In the above facts and circumstances, in order to speed up the preparatory process, adopting by and large the practice followed by Court-2 which has worked satisfactorily, we deem it proper to introduce the following practice for purposes of matters pending on the file of Court-1:

- (a) All appeals pending on the file of Court-1, ready for final hearing, after completion of service/pleadings under the supervision of the Registrar, shall stand included, subject to objection to maintainability or delay, if any, in a separate list to be called '*List of Finals of Court-1*', to be shown in chronological order (i.e. the date of filing).
- (b) As a sequel to above, the '*List of Finals*' of Court-2, already maintained, shall be now properly labeled as '*List of Finals of Court-2*'.

- (c) Both *Lists of Finals* shall be put on the website of this Tribunal for information of all concerned indicating that the matters are to be taken from there in their respective turn.
- (d) The matters of Court-1, given specific date(s) of hearing by order(s) already passed shall be placed, by supplementary list, on day to day basis, before the Registrar to be taken up by her, instead of by the Court Masters as per current practice, for consideration and disposal of all uncontested applications in exercise of the powers already delegated to her.
- (e) After disposal of the uncontested applications, subject to completion of service/pleadings, the Registrar shall direct and ensure inclusion of such appeals as are ready for final hearing in the '*List of Finals of Court-1*'.
- (f) In case there is any application on which there is a contest, such matter shall be placed, by supplementary list, before Court-2 for consideration on Friday next following.
- (g) While undertaking exercise in above nature, with the assistance of the learned counsel for the parties, the Registrar shall also identify such matters, subject to consensus, as can be included in the '*List of Short Matters of Court-1*' and pass necessary orders for their inclusion in such list accordingly.
- (h) The other directions given for proper regulation of the practice, as set out in orders dated 17.07.2020, 28.09.2021 and 30.11.2021 shall apply *mutatis mutandis* to the above practice directions for purposes of Court-1 as well.

8. The above directions shall be given due publicity by the Registrar by publishing a copy of this order on the website under the cover of an appropriate public notice. The directions shall be scrupulously complied w.e.f. 19.07.2022 (Tuesday).

IA NO. 649 OF 2022 - [*For Urgent Listing*]

IA NO. 464 OF 2022 - [*For Transfer from Court-I to Court-II*]

In view of the directions given as above, we are not inclined to entertain the captioned applications which are accordingly disposed of.

**DFR NO. 180 OF 2021&
IA NO. 733 OF 2021**

Registry note shows that the matter is already listed before Court-1 on **01.09.2022**. Be listed accordingly.

(Sandesh Kumar Sharma)
Technical Member

vt/mkj

(Justice R.K. Gauba)
Officiating Chairperson