

## COURT-II

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

#### **APPEAL NO. 88 OF 2018 & IA NOS. 300 & 301 OF 2018**

**Dated: 12<sup>th</sup> April, 2018**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member  
Hon'ble Mr. S.D. Dubey, Technical Member**

#### **In the matter of:**

<b>M/s Sukhbir Agro Energy Ltd.</b>	<b>....</b>	<b>Appellant(s)</b>
<b>Vs.</b>		
<b>Uttar Pradesh Electricity Regulatory Commission &amp; Ors.</b>	<b>....</b>	<b>Respondent(s)</b>

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

Counsel for the Respondent(s) : Mr. C.K.Rai  
Mr. Mohit Rai for R-1  
  
Mr. Rajiv Srivastava  
Ms. Garima Srivastava  
Ms. Gargi Srivastava for R-2

### **ORDER**

#### **IA NO. 301 OF 2018**

**(Appl. for exemption from arraying all parties before State Commission as party respondents)**

Learned counsel, Ms. Suparna Srivastava, appearing for the Appellant, at the outset submitted that in the light of the statement and the reasons stated in the application, the instant IA, being IA No. 301 of 2018, may kindly be allowed by exempting the Appellant from arraying all parties before the Respondent No.1 Commission (being Respondent Nos. 1-11 in the impugned Order) as party Respondents in the present Appeal, in the interest of justice and equity.

Submissions made by the learned counsel appearing for the Appellant, as stated above, are placed on record.

In the light of the statement made by the learned counsel appearing for the Appellant and the reasons stated in the Application, the same is accepted. The IA No. 301 of 2018 is allowed at the risk of the learned counsel appearing for the Appellant. Accordingly, the application stands disposed of.

**APPEAL NO. 88 OF 2018 &**  
**IA NO. 300 OF 2018**

Admit. Issue fresh notice to the Respondent Nos. 3 & 4. Dasti, in addition, is permitted. Learned counsel, Mr. C.K.Rai, appearing for the Respondent, accepts notice on behalf of first Respondent, Mr. Rajiv Srivastava, accepts notice on behalf of second Respondent.

The learned counsel appearing for the first and second Respondents pray for four weeks' time to file their respective replies/objections to the memo of appeal.

The learned counsel appearing for the Appellant prays for two weeks' time thereafter, to file her rejoinder to the replies to be filed by the Respondents.

Submissions made by the learned counsel appearing for both the parties, as stated above, are placed on record.

The learned counsel appearing for the Respondent Nos. 1 and 2 may file their respective replies on or before 11.05.2018. Thereafter, the learned counsel appearing for the Appellant may file her rejoinder submission on or before 28.05.2018 after duly serving copy on the other side.

List the matter on **30.05.2018**, as agreed by the learned counsel appearing for both the parties.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**

*pr/kt*