COURT-I

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

APPEAL NO. 330 OF 2016 &
IA NOS. 683 & 685 OF 2016

Dated: 11th May, 2017

Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member

In the matter of:

Reliance Industries Ltd. .... Appellant(s)
Vs.
Gujarat Electricity Regulatory Commission & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Mr. C.S.Vaidyanathan, Sr. Adv.
Mr. Gaurav Mitra
Mr. Adarsh Rai
Mr. Himanshu Suman
Mr. Amay Nabar
Ms. Amtrita Thakur
Mr. R.Sasiprabhu

Counsel for the Respondent(s) : Mr. Buddy A.Ranganadhan
Mr. Arijit Maitra
Mr. Soumik Ghosal
Mr. S.R.Pandey for R-1

Mr. M.G.Ramachandran
Ms. Ranjitha Ramachandran
Mr. Anand K.Ganesan
Mr. Shubham Arya for R-2

ORDER

The Appellant has challenged the Order dated 19.10.2016 passed by the Gujarat Electricity Regulatory Commission (**the State Commission**) in Petition No. 1475 of 2015 filed by the Appellant. By the impugned order the State Commission has permitted the impleadment of Respondent Nos.3 & 4, namely, Utility Users Welfare Association and Laghu Udhyog Bharti respectively. The basic contention of the

Appellant is that Respondent Nos. 3 & 4 ought not to have been impleaded as they are neither proper parties nor necessary parties.

We have heard learned counsel for the parties. Mr. C.S. Vaidyanathan, learned Senior counsel appearing for the Appellant, while reiterating the above submission has taken strong exception to the impleadment of Respondent Nos. 3 & 4. It is submitted that in the impugned order there are several observations which touch the merits of the case. A grievance is made that while deciding prayer for impleadment the State Commission ought not to have opined on the merits of the case. On the other hand, learned counsel for the respondents have submitted that no interference is necessary with the impugned order as the impleadment of Respondent Nos. 3 and 4 cannot be faulted as they are necessary and proper parties.

We find substance in the submission of learned Senior counsel appearing for the Appellant that while deciding whether Respondent Nos. 3 and 4 should be impleaded in the matter it was not necessary for the State Commission to opine on the merits of the case. In the circumstances of the case therefore we are of the opinion that the issue as to whether Respondent Nos. 3 and 4 are necessary and proper parties should be kept open to be argued at the final hearing of the petition along with other issues. The final order on the petition filed by the Appellant should be passed by the State Commission on all issues independently and uninfluenced by any of the observations made by the State Commission in the impugned order. Order accordingly. We make it clear that all the contentions of the Appellant and the Respondents including Respondent Nos. 3 and 4 are expressly kept open to be argued at the stage of final hearing of the petition by the State Commission. We make it clear that we have expressed no opinion on

any issues involved in this matter and the State Commission will decide all the issues independently and in accordance with law.

With the above observations, the appeal is disposed of. Needless to say that all the pending I.As shall stand disposed of.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/kt