

IA NO. 667 OF 2017
(Appln for waiver of court fees)

Counsel are agreed that the application for waiver of court fees has to be disposed of at the outset. In view thereof, we take up the application for waiver of court fees before leave to file the appeal.

The Appellant has filed this appeal against Order dated 11.02.2016 passed in Petition No. 1078 of 2015 by the Uttar Pradesh Electricity Regulatory Commission. In this application, the Appellant has prayed that court fees payable in this appeal be waived. It is stated in the application that the Appellant is a consumer in the State of Uttar Pradesh, working to protect and promote the public interest and interests of the disadvantaged sections of the society. It is further stated that the Appellant has been actively participating in the public interest issues and the consumer issues in the area of electricity sector since 2005. The Appellant is stated to be actively participating in various proceedings before the State Commission and other authorities in the matters relating to electricity. It is further stated that the Appellant is filing this appeal in the general interest of the consumers. The Appellant has admitted that he is not an indigent person. It is submitted however that in terms of Rule 55 of the Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules, 2007 waiver of court fees is not restricted to cases where the Appellant is an

indigent person. Court fees can be waived to advance cause of justice.

Mr. Ramachandran, learned counsel for the Appellant has reiterated the above submissions. Counsel has drawn our attention to the Order dated 27.10.2017 passed by the Supreme Court in Civil Appeal No. 16437 of 2017, where the Appellant herein was the Appellant. By the above order the Supreme Court has reduced the court fees payable by the Appellant to Rs.1,00,000/-. Counsel submitted that in view of this order, this Tribunal should show indulgence to the Appellant and waive the court fees of Rs. 1,00,000/-. Respondent No.1 has opposed the waiver of court fees.

We have carefully perused the order of the Supreme Court dated 27.10.2017. It may be stated here that in that case the burden on the Appellant was to the tune of Rs.11,00,000/-. This Tribunal had reduced the court fees by 50 % i.e., the Appellant was directed to pay court fees of Rs.5,50,000/-. While dealing with this order, the Supreme Court has observed that the discretion has rightly been exercised by this Tribunal. However, the Supreme Court considered the submission of learned counsel for the Appellant that what was appealed against was common order and eleven appeals were filed because there were eleven different parties. The Supreme Court noted the plea of the Appellant's counsel that in view of this the Appellant should be made to pay one set of court fees. Taking note of these circumstances and considering the fact

that the Appellant has earlier successfully assailed several other orders, the court fees was reduced to Rs.1,00,00/- . The Supreme Court made it clear that the indulgence granted by it was limited to that case only.

In this case, the Appellant is required to pay only Rs.1,00,000/- as court fees. Having regard to this fact and the fact that the Appellant has successfully assailed several other orders in this Tribunal, we reduce the court fees to Rs.50,000/-. We make it clear that this order is limited to the facts of this case and shall not act as a precedent. Each case will be decided on its own facts. The Appellant shall therefore pay court fees of Rs.50,000/- within two weeks from today. Application is disposed of.

Subject to payment of court fees, Registry is directed to list the matter on **08.11.2017.**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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