

**COURT – I**

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

**Appeal No. 172 of 2012**

**Dated : 14<sup>th</sup> December, 2012**

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. Rakesh Nath, Technical Member**

**M/s Sai Engineering Foundation**

**...Appellant (s)**

**Versus**

**Himachal Pradesh State Electricity  
Regulatory Commission & Anr.**

**...Respondent(s)**

Counsel for the Appellant(s) : Mr. Tarun Johri  
Mr. Ankur Gupta

Counsel for the Respondent(s): Ms. Shikha Ohri for R.1  
Mr. Anand K. Ganesan for R.2

**ORDER**

By the Order dated 16.07.2012, three Arbitrators have been nominated by the Himachal Pradesh Electricity Regulatory Commission referring the dispute in question.

One Er. R.S. Rana, C.E., HPSEB Ltd., Mandi, the nominee of the Commission, who is the serving official of the H.P. Electricity Board and the two other Members namely, Er. J.S. Chandel, Retd. C.E. HPSEB Ltd. and Er. Sudhir Chander, former C.E. HPSEB Ltd, who are the retired officials of the H.P. Electricity Board have been nominated to go into the dispute.

As against that Order, this Appeal has been filed. The grievance of the Appellant, who is the Petitioner before the State

Commission, in this Appeal is that Er. R.S. Rana, who is the working official of the H.P. Electricity Board should not be nominated as the Presiding Arbitrator, since he is at present working in the Electricity Board, which is the party to the dispute.

We have heard the learned counsel for the parties.

Though the learned counsel for the State Commission as well as the Board-Respondent No.2 submit in justification of the impugned Order contending that the objection raised by the Appellant is not a valid one, we deem it appropriate to direct the State Commission to appoint some other man, who may be a retired man, to preside over the Arbitral Tribunal, so that the parties will feel that they will be able to project their case appropriately without giving any room for allegation of bias in the light of the principle that Justice is not only to be done but also it should appear to be done.

With these directions, the Appeal is disposed of.

**( Rakesh Nath )**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**

**Ts/vs**