

COURT-II
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 173 of 2014 & IA No. 283 of 2014

Dated : **5th April, 2016**

Present : **Hon'ble Mr. Justice Surendra Kumar, Judicial Member**
Hon'ble Mr. T. Munikrishnaiah, Technical Member

In the matter of:-

Abhijeet MADC Nagpur Energy Pvt. Ltd.

.... Appellant(s)

Versus

Maharashtra Airport Development Co. Ltd. & Ors.

... Respondent(s)

Counsel for the Appellant(s) : Mr. Sandeep Bajaj
Ms. Sowmya Saikumar
Mr. Siddharth Jain

Counsel for the Respondent(s) : Ms. Rimali Batra
Mr. Ravi Prakash for R-1/MADC

Mr. Buddy A. Ranganadhan
Mr. Raghu Vamsy for R-2

Mr. Ramni Taneja for MSEDCL/R-10.

ORDER

Mr. Siddharth Jain assisted by Ms. Saumaya Saikumar, learned counsel for the Appellant prays for withdrawal of this appeal with liberty to approach the State Commission for determination of charges for allowing the transmission of power to be supplied by MSEDCL through its network.

Ms. Rimali Batra, appearing for Respondent No. 1/MADCL, Mr. Buddy A. Ranganadhan appearing for Respondent No. 2/MERC and Ms. Ramni Taneja appearing for Respondent No. 10/MSEDCL have no objections in the withdrawal of appeal submitting that already a liberty has been granted to the Appellant to approach the State Commission for determination of its necessary charges for transmission network. The same liberty has been kept open by the State Commission while allowing the withdrawal of the Review Petition seeking review of the impugned order in this Appeal. Thus, the instant appeal being Appeal No. 173 of 2014, captioned as Abhijeet MADC Nagpur Energy Pvt. Ltd. vs Maharashtra Airport Development Co. Ltd. & Ors.' is hereby allowed to be withdrawn and the same is withdrawn. No order as to costs.

We want to draw the attention of the Hon'ble Chairperson of this Appellate Tribunal to consider the framing of rules or passing some administrative orders as she deem fit in the following circumstances:

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- i). whenever any application for amendment in the Appeal Memorandum or in any original petition is allowed by any Bench of this Appellate Tribunal, the appellant should be directed to incorporate the amendment or the said modifications in the memorandum of appeal itself or in the array of parties in the original petition so as to put the parties at convenience and also this Appellate Tribunal while dictating the judgment or passing some orders;
- ii). like in the Civil Courts or High Courts, when any application during the hearing of any matter is filed, there should be a system to prepare the order sheet like the High Court which will contain the proceedings of the particular date and, if some application is filed, then the same should be numbered as per the record and entered in the order sheet. Generally, what happens here is that, if any application, is filed before the Registry, same is though numbered but, since, there is no procedure for preparing the order sheet date-wise of the case, the Bench becomes unaware about the application. We hope that such kind of change in the procedure would naturally help the parties or their counsel and the Bench itself.

The copy of the order be placed before the Hon'ble Chairperson, APTEL for kind perusal.

In this view, the instant appeal, being Appeal No. 173 of 2014 & IA-283 of 2014, is hereby **disposed of.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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