

SECTION XVII

MATTER FOR : 15.12.2016  
COURT NO. 8  
ITEM NO. 12

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5399-5400 OF 2016

AND

CIVIL APPEAL NO. 5347 OF 2016

WITH

INTERLOCUTORY APPLICATION NO. 5 OF 2016

(Application for permission to file additional documents)

AND

CIVIL APPEAL NO. 5348 OF 2016

WITH

INTERLOCUTORY APPLICATION NOS. 4 AND 5 OF 2016

(Applications for permission to file additional documents)

AND

CIVIL APPEAL NO. 5346 OF 2016

AND

CIVIL APPEAL NO. 5364 OF 2016

WITH

INTERLOCUTORY APPLICATION NO. 1 OF 2016

(Application for ad-interim Ex-Party Stay)

AND

CIVIL APPEAL NOS. 5351-5352 OF 2016

WITH

INTERLOCUTORY APPLICATION NOS. 3-4 OF 2016

(Application for stay)

AND

CIVIL APPEAL NO. 5415 OF 2016

WITH

INTERLOCUTORY APPLICATION NO. 1 OF 2016

(Application for Stay)

WITH

CIVIL APPEAL NOS. 9643-9644 OF 2016

AND

CIVIL APPEAL NOS. 9635-9642 OF 2016

Energy Watchdog Etc.

...Appellants

VERSUS

Central Electricity Regulatory

Commission & Ors.

...Respondents

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 21.09.2016, when the Court was pleased to pass the following Order:

- "I.A.Nos.7-8/2016-Applications for direction are for extension of time to pass final order in terms of the judgment dated 7<sup>th</sup> April,2016.

Having heard the learned senior counsel appearing for the parties, we are of the view that a further period of six weeks from today be granted. Accordingly, the Central Electricity Regulatory Commission is granted six more weeks from today to pass final order in terms of the impugned judgment dated 7<sup>th</sup> April,2016. We however make it clear that there shall be not further extension of time.

Interlocutory Applications stand disposed of accordingly.

Civil Appeal D.Nos. 26080/2016 and 26082/2016.

Delay condoned, being less than 60 days.

Issue notice.

Post these matters for final hearing on 30<sup>th</sup> November,2016 on top of the Board, subject to over-night part-heard.

Parties are directed to complete the pleadings in the meantime, including in the cross objections."

#### **CIVIL APPEAL NOS. 5399-5400 OF 2016**

It is submitted that there are 11 respondents in Civil Appeal No. 5399 of 2016 and 6 respondents in Civil Appeal No. 5400 of 2016.

It is further submitted that pursuant to the above said Court's Order, show cause notice returnable on 14.09.2016 was issued to all the respondents in both the appeals above-mentioned. Respondent Nos.2 in Civil Appeal Nos. 5399 and 5400 of 2016 are represented through M/s Pukharambam Ramesh Kumar and Karanjawala & Co.,Advocates respectively and they have on 16.08.2016 filed cross objections.(Copies of the same placed with Appeal Paper Books). Respondent Nos.4 and 5 in Civil Appeal No. 5400 of 2016 and common respondent No.1 in both the appeals are represented through Mr.Rakesh Kumar Sharma and Nikhil Nayyar, Advocates respectively but they have not filed counter affidavit so far.

Neither A.D. cards nor unserved covers have been received back on behalf of respondent Nos.3-11 in Civil Appeal No. 5399 of 2016 and respondent Nos.3 and 6 in Civil Appeal No. 5400 of 2016.

Service of notice is incomplete on respondent Nos.3-11 in Civil Appeal No. 5399 of 2016 and respondent Nos.3 and 6 in Civil Appeal No. 5400 of 2016.

It is further submitted that Mr. Nikhil Nayyar, Advocate for common respondent No. 1 in both the Appeals has on 14.09.2016 filed application for directions. The same has been registered as Interlocutory Application Nos.7-8 of 2016.(Copies of the same are placed with Appeal Paper Books).

**CIVIL APPEAL NO. 5347 OF 2016**

There are 11 respondents in this matter.

It is submitted that pursuant to the above said Court's Order, show cause notice returnable on 14.09.2016 was issued to all the 11 respondents. Respondent Nos.9 & 10 and 1 are represented through M/s Rakesh Kumar Sharma and Nikhil Nayyar, Advocates respectively but they have not filed counter affidavit so far. Respondent No.2 is represented through Mr. Pukharambam Ramesh Kumar, Advocate and he has on 16.08.2016 filed cross objections. (Copies of the same are placed with Appeal Paper Books). He has also on 09.09.2016 filed an application for permission to file additional documents along with Annexure R2-1 to R2-72. The same has been registered as Interlocutory Application No.5 of 2016. (Copies of the same are placed with Appeal Paper Books). Neither A.D. card nor unsewed cover has been received back on behalf of respondent No. 11 so far.

A.D. card duly signed has been received back on 27.07.2016 from respondent No.4 but no appearance has been filed so far.

Service of notice is incomplete on respondent Nos.3, 5-8 and 11 respectively.

It is further submitted that Mr. K.V. Mohan, Advocate for the appellant has on 14.09.2016 filed reply affidavit to respondent No.2.(Copies of the same are placed with Appeal Paper Books).

**CIVIL APPEAL NO. 5348 OF 2016**

There are 5 respondents in this matter.

It is submitted that pursuant to the above said Court's Order, show cause notice returnable on 14.09.2016 was issued to all the five respondents. Respondent Nos.1 and 3 & 4 are represented through M/s Nikhil Nayyar and Rakesh K.Sharma, Advocates respectively but they have not filed counter affidavit so far.

Respondent No.2 is represented through Mr. E.C. Agrawala, Advocate and he has on 17.08.2016 filed cross objections. (Copies of the same are placed with Appeal Paper Books). He has also on 08.09.2016 and 16.09.2016 filed applications for permission to file additional documents along with volume 1 to 11 and volume 12 respectively. The same have been registered as Interlocutory Application Nos.4 and 5 of 2016.(Copies of the same are placed with Appeal Paper Books).

It is further submitted that Mr. K.V. Mohan, Advocate for the appellant has on 16.09.2016 filed reply affidavit to cross objection filed by respondent No.2.(Copies of the same are placed with Appeal Paper Books).

It is further submitted that Ms. Hemantika Wahi, Advocate has on 24.11.2016 filed vakalatnama and counter affidavit on behalf of respondent No.5.(Copies of the same are circulated herewith).

It is further submitted that Mr. E.C. Agrawala, Advocate has on 28.11.2016 filed a letter.(Copy of the same is placed with Appeal Paper Books).

Service of notice is complete.

#### **CIVIL APPEAL NO. 5346 OF 2016**

There are 8 respondents in this matter.

It is submitted that pursuant to the above said Court's Order, show cause notice returnable on 14.09.2016 was issued to all the eight respondents. Respondent Nos.1, 4 and 5 & 6 are represented through M/s Nikhil Nayyar, Anup Jain and Rakesh Kumar Sharma, Advocates respectively but they have not filed counter affidavit so far. Respondent No. 2 is represented through Mr. Pukharambham Ramesh Kumar, Advocate and he has on 16.08.2016 filed cross objections.(Copies of the same are placed with Appeal Paper Books).

Service report from the Postal Department has been received back on behalf of respondent Nos.3, 7 and 8 as delivered but no appearance has been filed on their behalf so far.

Service of notice is complete in the matter.

It is further submitted that Mr. K.V. Mohan, Advocate for the appellant has on 14.09.2016 filed reply affidavit to cross objection filed by respondent No.2. (Copies of the same are placed with Appeal Paper Books).

**CIVIL APPEAL NO. 5364 OF 2016**

There are 10 respondents in this matter.

It is submitted that Counsel for the appellant has not filed spare copies so far. Hence, show cause notice could not be issued. Respondent No.1 is represented through Mr. Pukharambam Ramesh Kumar, Advocate and he has on 16.08.2016 filed cross objection on behalf of respondent No.1. (Copies of the same are placed with Appeal Paper Books). Respondent Nos. 3 & 4 are represented through Mr. Rakesh Kumar Sharma, Advocate but he not filed counter affidavit so far.

**CIVIL APPEAL NOS. 5351-5352 OF 2016**

There are 9 common respondents in these matters.

It is submitted that Counsel for the appellant has not filed spare copies so far. Hence, show cause notice could not be issued.

It is further submitted that Respondent No.8 is represented through Mr. Rakesh Kumar Sharma, Advocate but he has not filed counter affidavit so far. Respondent No.2 is represented through Mr. Pukharambam Ramesh Kumar, Advocate and he has on 16.08.2016 filed cross objection on behalf of respondent No.2. (Copies of the same are placed with Appeal Paper Books).

**CIVIL APPEAL NO. 5415 OF 2016**

There are 6 respondents in this matter.

It is submitted that pursuant to the above said Court's Order, show cause notice returnable on 14.09.2016 was issued to all the six respondents. Respondent Nos.1 and 6 are represented through M/s Pukharambam Ramesh Kumar and Nikhil Nayyar, Advocates respectively but they have not filed counter affidavit so far. Neither A.D. cards nor unserved covers have been received back on behalf of respondent Nos. 2-5 so far.

Service of notice is incomplete on respondent Nos. 2-5.

**CIVIL APPEAL NOS.9643-9644 OF 2016**

There are 15 respondents in the matters above-mentioned.

Accordingly, show cause notice returnable on 30.11.2016 was issued to all the 15 respondents through registered A.D. Post.

S.NO.	RESPONDENT NOS.	
1	8, 9 and 10 in CA No.9643/16 and 2,3 and 4 in CA No.9644/16	Represented through Mr. K.V. Mohan, Advocate.
2	3 in CA No.9643/16 and 5 in CA No.9644/16	Represented through Mr. Rakesh Kumar Sharma, Advocate. Counter affidavit not filed.
3	11 in CA No. 9643/16	Represented through Mr. Vikas Upadhyay, Advocate Counter affidavit not filed
4	12 and 13 in CA Nos.9644/16 and 9643/16	Represented through Ms. Udit Singh, Advocate. Counter affidavit not filed
5	4-7 in CA Nos.9643/16 and 6-9 in CA 9644/16	Represented through Mr. Sumit Kumar, Advocate. Counter affidavit not filed.

It is submitted that Mr. K.V. Mohan, Advocate has on 28.11.2016 filed counter affidavit on behalf of respondent Nos.8, 9 and 10 in CA No.9643/16 and 2,3 and 4 in CA No.9644/16 as Volume-V and VI.(Separate volume placed with Appeal Paper Books).

As per tracking report, all the unserved respondents have been delivered except respondent No.15 in both the matters above-mentioned but no appearance has been filed on behalf of unserved respondents so far.

Service of notice is incomplete on common respondent No.15 in both the matters above-mentioned.

**CIVIL APPEAL NOS.9635-9642 OF 2016**

There are 10 respondents in Civil Appeal Nos. 9635-9638 of 2016, 9 respondents in Civil Appeal No.9639 and 9642 of 2016 and 11 respondents in 9640-9641 of 2016.

Accordingly, show cause notice returnable on 30.11.2016 was issued to all the respondents through registered A.D. Post.

S.NO.	RESPONDENT NOS.	
1	3 in CA Nos.9635-9642 of 2016	Represented through Mr. Anup Jain, Advocate. Counter affidavit not filed
2	4 to 6 in CA No.9635-9636/16 and 9639-9642/16, 8-10 in CA Nos. 9637/16, 6 to 8 in CA No. 9638/16, 5 in CA No.5639/16 and 11 in CA No. 9641/16	Represented through Mr. K.V. Mohan, Advocate.
3	2 in CA Nos. 9635-9637/16 and 9639-9642/16 and 4 in CA No. 9638/16	Represented through Ms. Hemantika Wahi, Advocate.

It is submitted that Mr. K.V. Mohan, Advocate has on 17.11.2016 filed counter affidavit on behalf of respondent Nos. 4-6 in Civil Appeal Nos. 9635-9636 and 9639-9642 of 2016, 8-10 in Civil Appeal Nos. 9637 of 2016 and 6 to 8 in Civil Appeal Nos. 9638 of 2016 and 11 in Civil Appeal No.9641 of 2016 only. (Copies of the same placed with Appeal Paper Books).

It is further submitted that Ms. Hemantika Wahi, Advocate has filed counter affidavit on behalf of respondent Nos.2 in CA Nos. 9635-9637/16 and 9639-9642/16 and 4 in CA No. 9638/16. (Copies of the same placed with Appeal Paper Books).

It is further submitted that as per tracking report, respondent No.10 in Civil Appeal No.9640 of 2016 is not delivered. Rest of the unserved respondents have been delivered but no one has entered appearance on their behalf so far.

Service of notice is incomplete on respondent No. 10 in Civil Appeal No.9640 of 2016.

It is further submitted that the matters above-mentioned were lastly listed before the Hon'ble Court on 30.11.2016, when the Court was pleased to pass the following Order:

**"Perused the letter circulated by learned counsel for the appellant seeking adjournment.**

**At the joint request made by learned counsel appearing for the parties, list the matters on 15.12.2016 on top of the Board."**

It is submitted that Mr. Nikhil Nayyar, Advocate in Civil Appeal Nos.5399-5400 of 2016 has on 09.12.2016 filed affiavit on behalf of respondent No.1.(Copies of the same are ciruclated herewith).

It is further submitted that Mr.Pukharambam Ramesh Kumar, Advocate has on 07.12.2016 filed counter affidavit on behalf of respondent No.1 in Civil Appeal No.5415 of 2016.(Copies of the same are circulated herewith).

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 14TH DAY OF DECEMBER, 2016.

ASSISTANT REGISTRAR