

Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules, 2007

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SCHEDULE 1 :- FEES

Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of Proceedings) Rules, 2007

G.S.R.33(E).--In exercise of the powers conferred by sub-section (1) of section 176 and clause (q),(t) and (z) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003) and in supersession of the Appellate Tribunal for Electricity (Form, Verification and fee for filing an appeal) Rules, 2004, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

CHAPTER 1

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1. Short title and commencement :-

(1) These rules may be called the Appellate Tribunal for Electricity (Procedure, Form, Fee and Record of proceedings) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.--In these rules, unless the context otherwise requires,-

(a) "Act" means the Electricity Act, 2003 (36 of 2003);

(b) "Advocate" means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961);

(c) 'Chairperson" means the Chairperson of the Appellate Tribunal

appointed under subsection (2) of section 113 of the Act;

(d) "Member means", Members of the Tribunal appointed under sub-section (3) of section 113 of the Act;

(e) "Interlocutory Application" means an application in any appeal or original petition on proceeding already instituted in the Tribunal, but not being a proceeding for execution of the order or direction of Tribunal;

(f) "Registrar" means, the Registrar of the Tribunal and includes any other officer or staff member of the Tribunal to whom the Power and functions of the Registrar may be delegated or assigned or who is authorized to act as such by the Chairperson from time to time;

(g) "Registry" means the Registry of the Tribunal;

(h) "Tribunal" means the Appellate Tribunal for Electricity established under section 110 of the Act;

(i) "Section" means a section of the Act;

(j) The words and expressions used herein and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Computation of time period :-

Where a period is prescribed by the Act and these rules or under any other Jaw or is fixed by the Tribunal for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Tribunal is closed, that day and any succeeding days on which the Tribunal remains closed shall also be excluded.

4. Forms :-

The forms prescribed by these rules with such modifications or variations as the circumstances of each case may require shall be used for the purpose mentioned therein and where no form is prescribed to cover a contingency, a form as may be approved by the Registrar, shall be used.

5. Format of order or direction or rule :-

Every rule, direction, order, summons, warrant or other mandatory process shall be issued in the name of the Chairperson and shall be

signed by the Registrar or any other officer specifically authorized in that behalf by the Chairperson, with the day, month and year of signing and shall be sealed with the seal of the Tribunal.

6. Official seal of the Tribunal :-

The official seal of the Tribunal shall be such, as the Chairperson may from time to time specify and shall be in the custody of the Registrar.

7. Custody of the records :-

The Registrar shall have the custody of the records of the Tribunal and no record or document filed in any cause or matter shall be allowed to be taken out of the custody of the Tribunal without the leave of the Tribunal. Provided a member of the establishment with prior written approval of the Registrar may remove any official paper or record for official purposes from the Tribunal.

8. Sitting hours of the Tribunal :-

The sitting hours of the Tribunal shall ordinarily be from 10.30 AM. to 1.15 P.M. and from 2.15 P.M. to 5.00 p.m. subject to any order made by the Chairperson and this will not disable the Bench of the Tribunal to extend its sitting as it deems fit.

9. Working hours of the Tribunal :-

(1) The office of the Tribunal shall remain open on all working days from 10.00 A.M. to 5.30 P.M.

(2) The Filing Counter of the Registry shall be open on all working days from 10:30-AM to 5 00 P.M.

10. Calendar :-

The Calendar of days of working of Tribunal is a year shall be as decided by the Chairperson and Members of the Tribunal.

11. Motion cases :-

All urgent matters filed before 12 noon shall be listed before the Tribunal on the following working day, if it is complete in all respects as provide in these rules and exceptional cases, it may be received after 12 noon but before 3.00 PM. for listing on the following day, with the specific permission of the Tribunal or Chairperson.

12. Power to exempt :-

The Tribunal may on sufficient cause being shown, exempt the parties from compliance with any requirement of these rules and

may give such directions in matters of practice and procedure, as it may consider just and expedient on the application moved in this behalf to render substantial justice.

13. Power to extend time :-

The Tribunal may extend the time appointed by these rules or fixed by any order, for doing any act or taking any proceeding, upon such terms, if any, as the justice of the case may require, and any enlargement may be ordered, although the application therefore is not made until after the expiration of the time appointed or allowed.

CHAPTER 2

POWERS OF THE REGISTRAR

14. Powers and functions of the Registrar :-

The Registrar shall have the following powers and functions, namely:-

- (a) registration of appeals, petitions and applications;
- (b) to receive applications for amendment of appeal or the petition or application or subsequent proceedings.
- (c) to receive applications for fresh summons or notices and regarding services thereof;
- (d) to receive applications for fresh summons or notice and for short date summons and notices;
- (e) to receive applications for substituted service of summons or notices;
- (f) to receive applications for seeking orders concerning the admission and inspection of documents;
- (g) transmission of a direction/ order to the civil court as directed by Tribunal with the prescribed certificate(s) for execution etc; and
- (h) such other incidental/matters as the Chairperson may direct from time to time.

15. Power of adjournment :-

All adjournments shall normally be sought before the concerned bench in court and in extraordinary circumstances, the Registrar may, if so directed by the Tribunal in chambers, shall at any time adjourn any matter and lay the same before the Tribunal in chambers.

16. Delegation powers of the Chairperson :-

The Chairperson may assign or delegate to a Deputy Registrar or to any other suitable officer all or some of the functions required by these rules to be exercised by the Registrar.

CHAPTER 3

INSTITUTION OF PROCEEDINGS/PETITION/APPEALS ETC.

17. Procedure for proceedings :-

(1) Every appeal or petition or -application or caveat petition or objection or counter presented to the Tribunal shall be in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin of 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form;

(2) The cause title shall state "In the Appellate Tribunal For Electricity" and shall specify the jurisdiction Appellate, Original or Special Original respectively under section 111(1) and section 121 of the Act in which it is presented and also set out the proceedings or order of the authority against which it is preferred.

(3) Appeal or petition or application or counter or objections shall be divided into paragraphs and shall be numbered consecutively and each paragraph shall contain as nearly as may be, a separate fact or allegation or point.

(4) Where Saka or other dates are used, corresponding dates of Gregorian Calendar shall also be given.

(5) Full name, parentage, description of each party and address and in case a party sues or being sued in a representative character, shall also be set out at the beginning of the appeal or petition or application and need not be repeated in the subsequent proceedings in the same appeal or petition or application.

(6) The names of parties shall be numbered consecutively and a separate line should be allotted to the name and description of each party. These numbers shall not be changed and in the event of the death of a party during the pendency of the appeal or petition or matter, his legal heirs or representative, as the case may be, if more than one shall be shown by sub-numbers. Where

fresh parties are brought in, they may be numbered consecutively in the particular category, in which they are brought in.

(7) Every proceeding shall state immediately after the cause title the provision of law under which it is preferred.

18. Particulars to be set out in the address for service :-

The address for service of summons shall be filed with every appeal or petition or application or caveat on behalf of a party and shall as far as possible contain the following items namely:-

(a) the name of the road, street, lane and Municipal Division/Ward, Municipal Door and other number of the house;

(b) the name of the town or village;

(c) the post office, postal district and PIN Code; and

(d) any other particular necessary to identify the addressee such as fax number, mobile number and e-mail address, if any.

19. Initialing alteration :-

Every interlineation, eraser or correction or deletion in any appeal or petition or application or document shall be initialed by the party or his recognized agent or advocate presenting it.

20. Presentation of appeal or petition :-

(1) Every appeal, petition, caveat, interlocutory application and documents shall be presented in triplicate by the appellant or petitioner or applicant or respondent, as the case may be, in person or by his duly authorized agent or by an advocate duly appointed in this behalf in the prescribed form with stipulated fee at the filing counter and non compliance of this may constitute a valid ground to refuse to entertain the same.

(2) Every appeal or petition shall be accompanied by a certified copy of the impugned order.

(3) All such documents filed in the Tribunal shall be accompanied by an index in triplicate containing their details and the amount of fee paid thereon.

(4) Sufficient number of copies of the appeal or petition or application shall also be filed for service on the opposite party as prescribed.

(5) In the pending matters, all applications shall be presented after

serving copies thereof in advance on the opposite side or his/her advocate on record.

(6) The processing fee prescribed by the rules, with required number of envelopes of sufficient size and notice forms as prescribed shall be filled along with memorandum of appeal.

21. Number of copies to be filed :-

The appellant or petitioner or applicant or respondent shall file three authenticated copies of appeal or petition or application or counter or objections, as the case may be, and shall deliver one copy to each of the opposite party.

22. Lodging of caveat :-

(1) The respondent may lodge a caveat in triplicate in any appeal or petition or application that may be instituted before this Tribunal by paying the prescribed fee after forwarding a copy by registered post or serving the same on the expected petitioner or appellant and the caveat shall be in form prescribed and contain such details and particulars or orders or directions, details of authority against whose orders or directions the appeal or petition is being instituted by the expected appellant or petitioner with full address for service on other side, so that the appeal or petition could be served before the appeal or petition or interim application is taken up:

Provided, this will not affect the jurisdiction of the Tribunal to pass interim orders in case of urgency.

(2) The caveat shall remain valid for a period of ninety days from the date of its filling.

23. Endorsement and Verification :-

At the foot of every petition or appeal or pleading there shall appear the name and signature of the advocate on record, if any, who has drawn the same and also the name of the senior advocate, who may have settled it. Every appeal or petition shall be signed and verified by the party concerned in the manner provided by these rules.

24. Translation of document :-

(1) A document 'other than English language intended to be used in any proceeding before the Appellate Tribunal shall be received by the Registry accompanied by a copy in English, which is agreed to by both the parties or certified to be a true translated copy by

an advocate engaged on behalf of parties in the case or by any other counsel whether engaged in the case or not or if the counsel engaged in the case authenticates such certificate or prepared by a translator approved for the purpose by the Registrar on payment of such charges as he may order.

(2) Appeal or petition or other proceeding will not be set down for hearing until and unless all parties confirm that all the documents filed on which they intend to rely are in English or have been translated into English and required number of copies are filed into Tribunal.

25. Endorsement and scrutiny of petition or appeal or document :-

(1) The person in charge of the filing-counter shall immediately on receipt of petition or appeal or application or document affix the date stamp of Tribunal thereon and also on the additional copies of the index and return the acknowledgement to the party and he shall also affix his initials on the stamp affixed on the first page of the copies and enter the particulars of all such documents in the register after daily filing and assign a diary number which shall be entered below the date stamp and thereafter cause it to be sent for scrutiny.

(2) If, on scrutiny, the appeal or petition or application or document is found to be defective, such document shall, after notice to the party, be returned for compliance and if there is a failure to comply within seven days from the date of return, the same shall be placed before the Registrar who may pass appropriate orders.

(3) The Registrar may for sufficient cause return the said document for rectification or amendment to the party filing the same, and for this purpose may allow to the party concerned such reasonable time as he may consider necessary or extend the time for compliance.

(4) Where the party fails to take any step for the removal of the defect within the time fixed for the same, the Registrar may, for reasons to be recorded in writing, decline to register the pleading or document.

26. Registration of proceedings admitted :-

On admission of appeal or petition or caveat or application, the

same shall be numbered and registered in the appropriate register maintained in this behalf and its number shall be entered therein.

27. Ex parte amendments :-

In every appeal or petition or application, arithmetical, grammatical, clerical and such other errors may be rectified on the orders of the Registrar without notice to Parties.

28. Calling for records :-

On the admission of appeal or petition or application the Registrar shall, if so directed by the Tribunal, call for the records relating to the proceedings from the respective Commission or adjudicating authority and retransmit the same at the conclusion of the proceedings or at any time.

29. Production of authorization for and on behalf of an association :-

Where an appeal or application or petition or other proceeding purported to be instituted by or on behalf of an association, the person or persons who sign (s) or verify(ies) the same shall produce along with such application, for verification by the Registry, a true copy of the resolution of the association empowering such person(s) to do so:

Provided that the Registrar may at any time call upon the party to produce such further materials as he deems fit for satisfying himself about due authorization:

Provided further that it shall set out the list of members for whose benefit the proceedings are instituted.

30. Interlocutory applications :-

Every Inter-locutory application for stay, direction, condonation of delay, exemption from production of copy of order appealed against or extension of time prayed for in pending matters shall be in prescribed form and the requirements prescribed in that behalf shall be complied with by the applicant, besides filing a affidavit supporting the application.

31. Procedure on production of defaced, torn or damaged documents. :-

When a document produced along with any pleading appears to be defaced, torn, or in any way damaged or otherwise its condition or appearance requires special notice, a mention regarding its condition and appearance shall be made by the party producing the

same in the Index of such a pleading and the same shall be verified and initialed by the officer authorized to receive the same.

CHAPTER 4
CAUSE LIST

32. Preparation and publication of daily cause list :-

(1) The Registry shall prepare and publish on the Notice Board of the Registry before the closing of working hours on each working day the cause list for the next working day and subject to the directions of the Chairperson, listing of cases in the Daily Cause List shall be in the following order of priority, unless otherwise ordered by the concerned Bench; namely;-

- a) cases for "pronouncement of orders";
- b) cases for "clarification";
- c) cases for "admission";
- d) cases for "orders or directions";
- e) part-heard cases, latest part-heard having precedence, and
- f) cases posted as per numerical order or as directed by the Bench;

(2) The title of the daily cause list shall consist of the number of the appeal or petition, the day, date and time of the court sitting, court hall number and the coram indicating the names of the Chairperson, Judicial member and Technical members constituting the Bench.

(3) Against the number of each case listed in the daily cause list, the following shall be shown, namely;-

- (a) names of the legal practitioners appearing for both sides and setting out in brackets the rank of the parties whom they represent;
- (b) names of the parties, if unrepresented, with their ranks in brackets.

(4) The objections and special directions, if any, of the Registry shall be briefly indicated in the daily cause list in remarks' column, whenever compliance is required,

33. Carry forward of cause list and adjournment of cases on account of non sitting of a Bench :-

(1) If by reason of declaration of holiday or for any other unforeseen reason, the Bench does not function for the day, the Daily Cause List for that day shall, unless otherwise directed, be treated as the Daily Cause List for the next working day in addition to the cases already posted for that day.

(2) When the sitting of a particular Bench is cancelled for the reason of inability of Member (s) of the Bench, the Registrar shall, unless otherwise directed, adjourn the cases posted before that Bench to a convenient date. The adjournment or posting or directions shall be notified on the Notice Board

CHAPTER 5

RECORD OF PROCEEDINGS

34. Diaries :-

Diaries shall be kept by the clerk-in-charge in such form as may be prescribed in each appeal or petition or application and they shall be written legibly. The diary in the main file shall contain a concise history of the appeal or petition or application, the substance of the order(s) passed thereon and in execution proceedings it shall contain a complete record of all proceedings in execution of order or direction or rule and shall be checked by the Deputy Registrar and initialed once in a fortnight.

35. Order sheet :-

(1) Order sheet shall be maintained in every proceedings and shall contain all orders passed by me Tribunal from time to time.

(2) All orders passed by the Tribunal shall be in English and the same shall be signed by the members of the Tribunal constituting the Bench:

Provided that the routine orders, such as call for of the records, put up with records, adjourned and any other order as may be directed by the Member of the Tribunal shall be signed by the Court Master.

(3) The order sheet shall also contain the reference number of the appeal or petition or application, date of order and all incidental details including short cause title thereof.

36. Maintenance of court diary :-

(1) The Court Master of the Bench concerned shall maintain legibly a Court Diary, wherein he shall record the proceedings of the court for each sitting with respect to the applications or petitions or

appeals listed in the daily cause list.

(2) The matters to be recorded in the court Diary shall include details as to whether the case is adjourned, or part-heard or heard and disposed of or heard and orders reserved, as the case may be, along with dates of next sitting wherever applicable.

37. Statutes or citations for reference :-

The parties or legal practitioners shall, before the commencement of the proceedings for the day, furnish to the Court Master a list of law journals, reports, statutes and other citations, which may be needed for reference or xerox copy of full text thereof.

38. Calling of cases in court :-

Subject to the orders of the Bench, the Court Master shall call the cases listed in the cause list in the serial order.

39. Regulation of court work. :-

(1) When the Tribunal is holding a sitting, the Deputy Registrar shall ensure:-

(a) that no inconvenience or wastage of time is caused to the Bench in making available the services of Court Master or Stenographer or peon or attender;

(b) the Court Master shall ensure that perfect silence is maintained in and around the Court Hall and no disturbance whatsoever is caused to the functioning of the Bench and that proper care is taken to maintain dignity and decorum of the court.

(2) When the Bench passes order or issues directions, the Court Master shall ensure that the records of the case along with proceedings or orders of the Bench are transmitted immediately to the Registry and the Registry shall verify the case records received from the Court Master with reference to the cause list and take immediate steps to communicate the directions or orders of the Bench.

CHAPTER 6

MAINTENANCE OF REGISTERS

40. Registers to be maintained :-

The following Registers shall be maintained and posted on a day to day basis by the Registry of the Tribunal by such ministerial officer or officers as the Registrar may, subject to any order of the Chairperson, direct:-

- a) Register of Appeals;
- b) Register of Petitions;
- c) Register of original Petitions;
- d) Register of original special Petitions;
- e) Register of unnumbered Petitions or Appeals;
- f) Register of Caveats lodged; and
- g) Register of Interlocutory Applications;

41. Arrangement of records in pending matters :-

The record of appeal or petition shall be divided into the following four parts and shall be collated and maintained.

- (a) Main file: (Appeal or Petition being kept separately);
- (b) Miscellaneous application file;
- (c) Process file; and
- (d) Execution file

42. Contents of main file :-

The main file shall be kept in the following order and it shall be maintained as permanent record till ordered to be destroyed under the rules:-

- (a) Index;
- (b) Order sheet;
- (c) Final order or judgment;
- (d) Memo of appeal or petition as the case may be together with any schedule annexed thereto;
- (e) Counter or reply or objection, if any,
- (f)
- (i) Oral evidence or proof of affidavit
- (ii) Evidence taken on commission; and
- (iii) Documentary evidence.
- (g) Written arguments.

43. Contents of process file :-

The process file shall contain the following items; namely,-

- (a) index;
- (b) powers of attorney or vakalatnama;
- (c) summons and other processes and affidavits relating thereof;
- (d) applications for summoning witness;
- (e) letters calling records; and
- (f) all other miscellaneous papers such as postal acknowledgements

44. Execution file :-

The execution file shall contain the following items, namely,-

- (a) index;
- (b) the order sheet;
- (c) the execution application;
- (d) all processes and other papers connected with such execution proceedings;
- (e) transmission of order to civil court, if ordered; and
- (f) result of execution;

45. File for miscellaneous applications :-

For all miscellaneous applications there may be only one file with a title page prefixed to it and immediately after the title page, the diary, the miscellaneous applications, supporting affidavit, the order sheet and all other documents shall be filed.

46. Destruction of record :-

Record of tribunal, except permanent record, shall be ordered to be destroyed by the Registrar or Deputy Registrar after six years from the final conclusion of the proceedings and if any appeal is filed under section 125 of the Act, the same shall be destroyed after obtaining prior order of the Chairperson. For purpose of Rule 46 Permanent record shall include order; appeal register, petition register and such other record as may be ordered to be included by the Chairperson.

CHAPTER 7

SERVICE OF PROCESS / APPEARANCE OF RESPONDENTS AND OBJECTIONS

47. Issue of notice :-

(1) Where notice of an appeal or petition for caveat or interlocutory application is issued by the Tribunal, copies of the same, the affidavit in support thereof and if so ordered by the Tribunal the copy of other documents filed therewith, if any, shall be served along with the notice on the other side.

(2) The aforesaid copies shall show the date of presentation of the appeal or petition for caveat or interlocutory application and the name of the advocate, if any, of such party with his full address for service and the interim order, if any, made thereon.

(3) The Tribunal may order for issuing notice in appropriate cases and also permit the party concerned for service of said notice on the other side by Dasti and in such case, deliver the notice to such party and it is for such party to file affidavit of service with proof.

(4) Acknowledgement before the date fixed for return of notice.

48. Summons :-

Whenever summons or notice is ordered by private service, the appellant or applicant or petitioner as the case may be, unless already served on the other side in advance, shall arrange to serve the copy of all appeals or petitions or applications by registered post or courier service and file affidavit of service with its proof of acknowledgement before the date fixed for hearing.

49. Steps for issue of fresh notice :-

If any notice is returned unserved in the circumstances not specified in rule 47, that fact and the reason, thereof shall be notified immediately on the notice board of the Registry. The applicant or petitioner or his advocate shall within seven days from the date of such notification take steps to serve the notice afresh.

50. Consequence of failure to take steps for issue of fresh notice :-

Where, after a summon has been issued to the other side, and returned unserved, and the applicant or petitioner or appellant, as the case may be, fails to take necessary steps within a period as ordered by the Tribunal from the date of return of the notice on the respondents), the Registrar shall post the case before the Bench for further directions or for dismissal for non prosecution.

51. Entries regarding service of notice or process :-

The Judicial Branch of the Registry shall record in the column in the order sheet "Notes of the Registry", the details regarding completion of service of notice on the respondents, such as date of issue of notice, date of service, date of return of notice, if unserved, steps taken for issuing fresh notice and date of completion of services etc.

52. Default of appearance of respondent and consequences

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Where the respondent, despite effective service of summons or notice on him does not appear before the date fixed for hearing, the Tribunal may proceed to hear the appeal or application or petition *ex parte* and pass final order on merits.

Provided that it is open to the Tribunal to seek the assistance of any counsel as it deems fit in case the matter involves intricate and substantial questions of law having wide ramifications.

53. Default of appearance of respondent and consequences

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Filing of objections by respondent, form and consequences.-

(1) The respondent, if so directed, shall file objections or counter within the time allowed by the Tribunal. The objections or counter shall be verified as an appeal or petition and wherever new facts are sought to be introduced with the leave of the Tribunal for the first time, the same shall be affirmed by a supporting affidavit.

(2) The respondent, if permitted to file objections or counter in any proceeding shall also file three copies thereof after serving copies of the same on the appellant or petitioner or their Counsel on record or authorized representative, as the case may be.

54. Sitting of vacation Bench and posting of cases :-

(1) When the Tribunal is closed for vacation, the vacation Bench shall sit on such days as may be specified by Chairperson or in his absence the senior most member available.

(2) During the vacation, only the matters which are required to be immediately or promptly dealt with, shall be received in the Registry and the Registrar on being satisfied about the urgency, shall order registration and posting of such cases.

(3) Inspection of records may be permitted during the vacation according to the rules.

(4) Certified copies may also be supplied during the vacation according to the rules.

(5) Nothing in this rules shall disable the vacation Bench from taking the appeal or petition for final hearing, if so directed by the Bench.

CHAPTER 8

FEE ON PETITION / APPEAL, PROCESS FEE AND AWARD OF COSTS

55. Fee payable on appeal or petition etc :-

(1) Fee for filing appeal or petition either under sub section (2) of section 111 or section 121, interlocutory application, application, enclosures or annexures, lodging caveat and process fee shall be, as prescribed in the Schedule of fee appended to these rules.

(2) The fee and process fee shall be deposited by separate demand draft favouring the Pay and Accounts Officer, Ministry of Power payable at New Delhi.

(3) The Tribunal may, to advance the cause of justice and in suitable cases, waive payment of such fee or portion thereof, taking into consideration the economic condition or indigent circumstances of the petitioner or appellant or applicant or such other reason, as the case may be.

(4) The Central Government shall review the fee prescribed for various purposes after every two years and the Schedule of fee may be amended by a notification.

56. Award of costs in the proceedings :-

(1) Whenever the Tribunal deems fit, it may award cost for meeting the legal expenses of the respondent or defaulting party.

(2) The Tribunal may in suitable cases direct appellant or respondent to bear the cost of litigation of the other side, and in case of abuse of process of court, impose exemplary costs on defaulting party.

CHAPTER 9

INSPECTION OF RECORD

57. Inspection of the records :-

(1) The parties to any case or their counsel may be allowed to inspect the record of the case by making an application in writing

to the Registrar and fee prescribed therein.

(2) Subject to such terms and conditions as may be prescribed by the Chairperson by a general or special order, a person who is not a party to the proceeding, may also be allowed to inspect the proceedings after obtaining the permission of the Registrar in writing.

58. Grant of inspection :-

Inspection of records of a pending or decided case before the Tribunal shall be allowed only on the order of the Registrar.

59. Application for grant of inspection :-

(1) Application for inspection of record under sub-rule (1) and (2) of rule 57, shall be in the form prescribed and presented at the filing counter of the Registry between 10.30 AM and 3.00 PM on any working day and two days before the date on which inspection is sought, unless otherwise permitted by the Registrar.

(2) The Registry shall submit the application with its remarks before the Registrar, who shall on consideration of the same, pass appropriate orders.

(3) Inspection of records of a pending case shall not ordinarily be permitted on the date fixed for hearing of the case or on the preceding day.

60. Fee payable for inspection :-

Fee as given in the Schedule of the fees appended to these rules shall be payable by way of Demand Draft or Indian Postal Order to be drawn in favour of the day and Accounts Officer, Ministry of Power, New Delhi on any application for inspection of records of a pending or decided case.

61. Mode of inspection :-

(1) On grant of permission for inspection of the records, the Deputy Registrar shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar between 10.30 AM and 12.30 PM and between 2.30 PM and 4.30 PM in the immediate presence of an officer authorized in that behalf.

(2) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records

in the course of inspection.

(3) The person inspecting the records shall not make any marking on any record or paper so inspected and taking notes, if any, of the documents or records inspected may be done only in pencil.

(4) The person supervising the inspection, may at any time prohibit farther inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar and seek further orders from the Registrar and such notes shall be made in column (8) of the Inspection Register.

62. Maintenance of register of inspection :-

The Deputy Registrar shall cause to maintain a Register for the purpose of inspection of documents or records and shall obtain therein the signature of the person making such inspection on the Register as well as on the application on the conclusion of inspection.

CHAPTER 10

APPEARANCE OF LEGAL PRACTITIONER

63. Appearance of legal practitioners :-

Subject to as hereinafter provided, no legal practitioner shall be entitled to appear and act, in any proceeding before the Tribunal unless he files into Tribunal a vakalatnama in the prescribed form duly executed by or on behalf of the party for whom he appears.

64. Nomination or engagement of another legal practitioner :-

Where a legal practitioner who has filed the Vakalatnama engages or nominates another legal practitioner to appear and argue his client's case but not to act for the client, the Tribunal may permit such other legal practitioner to appear and argue on an oral request being made before commencement of the proceedings.

65. Consent for engaging another legal practitioner :-

A legal practitioner proposing to file a Vakalatnama in any pending case or proceeding before the Tribunal in which there is already a legal practitioner on record, shall do so only with the written consent of the legal practitioner on record or when such consent is refused, with the permission of the Tribunal after revocation of Vakalatnama on an application filed in this behalf, which shall

receive consideration only after service of such application on the counsel already on record.

66. Restrictions on appearance :-

A legal practitioner who has tendered advice in connection with the institution of any case or other proceeding before the Tribunal or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, appear in such case or proceeding or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Tribunal.

67. Form and execution of Vakalatnama :-

(1) Every Vakalatnama authorizing a legal practitioner to plead and act shall be in the prescribed Form and the name of the legal practitioner so appointed shall be inserted in the Vakalatnama before it is executed and it shall be dated at the time of its execution and acceptance and its execution shall be attested by an advocate or notary or a gazetted officer serving in connection with the affairs of the Union or of any State in India or a legal practitioner other than the legal practitioner accepting the Vakalatnama.

(2) The authority attesting the Vakalatnama under sub rule (1) shall certify that it has been duly executed in his presence and subscribe his signature giving his name and designation. Attestation shall be made only after the name of the legal practitioner is inserted in the Vakalatnama before its execution. When a Vakalatnama is executed by a party who appears to be illiterate, blind or not acquainted with the language of the Vakalatnama, the attestor shall certify that the Vakalatnama was read, translated and explained in his presence to the executant, in the language known to such executant, that he seemed to understand it and that he signed or affixed his thumb mark in his presence with full knowledge and understanding.

(3) Every Vakalatnama shall contain an endorsement of acceptance by the legal practitioner in whose favour it is executed and shall also bear his address for service and if the Vakalatnama is in favour of more than one legal practitioner, it shall be signed and accepted by all of them, giving the address for service of any one of them.

68. Restriction on party's right to be heard :-

The party who has engaged a legal practitioner to appear for him before the Tribunal shall not be entitled to be heard in person unless permitted by the Tribunal.

69. Professional dress for the advocate :-

While appearing before the Tribunal, the Advocate shall wear the same professorial dress as prescribed for appearance before the Court or wear a coat with a tie or a close coat.

CHAPTER 11
AFFIDAVITS

70. Title of affidavits :-

Every affidavit shall be titled as "In the Appellate Tribunal for Electricity." followed by the cause title of the application or other proceeding in which the affidavit is sought to be used.

71. Form and contents of the affidavit :-

The affidavit shall conform to the requirements of order XIX, rule 3 of Civil Procedure Code, 1908 (5 of 1908).

72. Persons authorized to attest :-

Affidavits shall be sworn or affirmed before any Judicial Magistrate or Civil Judge or Registrar and Deputy Registrar of the Tribunal or Notary or District Registrar or Sub-Registrar, who shall affix his official seal or the Chief Ministerial Officer of any civil or criminal court in the state or any advocate.

73. Affidavits of illiterate, blind persons :-

Where an affidavit is sworn or affirmed by any person who appears to be illiterate, blind or unacquainted with the language in which the affidavit is written, the attesor shall certify that the affidavit was read, explained or translated by him or in his presence to the deponent and that he seemed to understand it, and made his signature or mark in the presence of the attesor in Form No. VIII.

74. Identification of deponent :-

If the deponent is not known to the attesor, his identity shall be testified by a person known to him and the person identifying shall affix his signature in token thereof.

75. Annexures to the affidavit :-

Document accompanying an affidavit shall be referred to therein as Annexure number and the attesor shall make the endorsement thereon that this is the document marked putting the Annexure number in the affidavit. The attesor shall sign therein and shall

mention the name and his designation.

CHAPTER 12

DISCOVERY, PRODUCTION AND RETURN OF DOCUMENTS

76. Application for production of documents, form of summons :-

(1) Except otherwise provided hereunder, discovery or production and return of documents shall be regulated by the provisions of the ' Code of Civil Procedure, 1908.

(2) An application for summons to produce documents shall be on plain paper setting out the document/s the production of which is sought, the relevancy of the document/s and in case where the production of a certified copy would serve the purpose, whether application was made to the proper officer and the result thereof.

(3) A summons for production of documents in the custody of a public officer other than a court shall be in Form No. IX and shall be addressed to the concerned Head of the Department or such other authority as may be specified by the Tribunal.

77. Suo motu summoning of documents :-

Notwithstanding anything contained in these rules, the Tribunal may, suo motu, issue summons for production of public document or other documents in the custody of a public officer.

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Notwithstanding anything contained in these rules, the Tribunal may, suo motu, issue summons for production of public document or other documents in the custody of a public officer.

79. Return and transmission of documents :-

(1) An application for return of the documents produced shall be numbered. No such application shall be entertained after the destruction of the records.

(2) The Tribunal may, at any time, direct return of documents produced subject to such conditions as it deems fit.

CHAPTER 13

EXAMINATION OF WITNESSES AND ISSUE OF COMMISSIONS

80. Procedure for examination of witnesses, issue of Commissions :-

The provisions of the Orders XVI and XXVI of the Code of Civil

Procedure, 1908, shall mutatis mutandis apply in the matter of summoning and enforcing attendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents.

81. Examination in camera :-

The Tribunal may in its discretion examine any witness in camera.

82. Form of oath or affirmation to witness :-

Oath shall be administered to a witness in the following form:

" I do swear in the name of God/solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth".

83. Form of oath or affirmation to interpreter :-

Oath or solemn affirmation shall be administered to the Interpreter in the following form before his assistance is taken for examining a witness:

"I do swear in the name of God/solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation."

84. Officer to administer oath :-

The oath or affirmation shall be administered by the Court Officer or the Commissioner of Oaths.

85. Form recording of deposition :-

(1) The Deposition of a witness shall be recorded in Form No. X.

(2) Each page of the deposition shall be initialed by the Members constituting the Bench.

(3) Corrections, if any, pointed out by the witness may, if the Bench/Commissioner is satisfied; be carried out and duly initialled. If not satisfied, a note to the effect be appended at the bottom of the deposition.

86. Numbering of witnesses :-

The witnesses called by the applicant or petitioner shall be numbered consecutively as PWs and those by the respondents as RWs.

87. Grant of discharge certificate :-

Witness discharged by the Tribunal may be granted a certificate in

Form No. XI by the Registrar.

88. Witness batta payable :-

(1) Where the Tribunal issues summons to a Government servant to give evidence or to produce documents, the person so summoned may draw from the Government traveling and daily allowances admissible to him as per rules.

(2) Where there is no provision for payment of TA and DA by the employer to the person summoned to give evidence or to produce documents, he shall be entitled to be paid as batta, (a sum found by the Registrar sufficient to defray the traveling and other expenses), having regard to the status and position of the witness. The party applying for the summons shall deposit with the Registrar the amount of batta as estimated by the Registrar well before the summons is issued. If the witness is summoned as a court witness, the amount estimated by the Registrar shall be paid as per the directions of the Tribunal.

(3) The aforesaid provisions would govern the payment of batta to the interpreter as well.

89. Records to be furnished to the commissioner :-

The Commissioner shall be furnished by the Tribunal with such of the records of the case as the Tribunal considers necessary for executing the Commission. Original documents will be furnished only if a copy does not serve the purpose or cannot be obtained without unreasonable expense or delay. Delivery and return of records shall be made under proper acknowledgement.

90. Taking of specimen handwriting, signature etc. :-

The Commissioner may, if necessary, take specimen of the handwriting, signature or fingerprint of any witness examined before him.

CHAPTER 14

PRONOUNCEMENT OF ORDERS

91. Order :-

The final decision of the Tribunal on an application/petition before the Tribunal shall be described as Judgment.

92. Operative portion of the order :-

All orders or directions of the Bench shall be stated in clear and precise terms in the last paragraph of the order.

93. Corrections :-

The Member of the Bench who has prepared the order shall initial all corrections and affix his initials at the bottom of each page.

94. Pronouncement of order :-

(1) The Bench shall as far as possible pronounce the order immediately after the hearing is concluded.

(2) When the orders are reserved, the date for pronouncement of order shall be notified in the cause list which shall be a valid notice of intimation of pronouncement".

(3) Reading of the operative portion of the order in the open court shall be deemed to be pronouncement of the order.

(4) Any order reserved by a Circuit Bench of the Tribunal may also be pronounced at the principal place of sitting of the Bench in one of the aforesaid modes as exigencies of the situation require.

95. Pronouncement of order by any one member of the bench :-

(1) Any Member of the Bench may pronounce the order for and on behalf of the Bench.

(2) When an order is pronounced under this rule, the Court Master shall make a note in the order sheet, that the order of the Bench consisting of Chairperson and Members was pronounced in open court on behalf of the Bench consisting of Two/Three Members.

Authorizing any member to pronounce order.
Pronouncement of order by any one member of the bench :-

97. Making of entries by Court Master :-

Immediately on pronouncement of an order by the Bench, the Court Master shall make necessary endorsement on the case file regarding the date of such pronouncement, the nature of disposal and the constitution of the Bench pronouncing the order and he shall also make necessary entries in the court diary maintained by him.

98. Transmission of order by the Court Master :-

(1) The Court Master shall immediately on pronouncement of order, transmit the order with the case file to the Deputy Registrar..

(2) On receipt of the order from the Court Master, the Deputy

Registrar shall after due scrutiny, satisfy himself that the provisions of these rules have been duly compiled with and in token thereof affix his initials with date on the outer cover of the order. The Deputy Registrar shall thereafter cause to transmit the case file and the order to the Registry for taking steps to prepare copies and their communication to the parties.

99. Format of order :-

(1) All orders shall be neatly and fairly typewritten in double space on one side only on durable foolscap folio paper of metric A-4 size (30.5 cm long and 21.5 cm wide) with left side margin of 5 cm and right side margin of 2.5 cm. Corrections, if any, in the order shall be carried out neatly. Sufficient space may be left both at the bottom and at the top of each page of the order to make its appearance elegant.

(2) Members constituting the Bench shall affix their signatures in the order of their seniority from right to left.

100. Indexing of case files after disposal. :-

After communication of the order to the parties or legal practitioners, the official concerned shall arrange the records with pagination and prepare in the Index Sheet in Form no to be prescribed by the Tribunal. He shall affix initials and then transmit the records with the Index initials to the records room.

101. Transmission of files or records or orders :-

Transmission of files or records of the cases or orders shall be made only after obtaining acknowledgement in the movement register maintained at different sections or levels as per the directions of the Registrar.

102. Copies of orders in library :-

(1) the officer in charge of the Registry shall send copies of every order (final) to the library.

(2) Copies of all orders received in each month shall be kept at the library in a separate folder, arranged in the order of date of pronouncement, duly indexed and stitched.

(3) At the end of every year, a consolidated index shall also be prepared and kept in a separate file in the library.

(4) The order folders and the indices may be made available for

reference in the library to the legal practitioners.

CHAPTER 15

SUPREME COURT ORDERS

103. Register of SLPs/Appeal :-

(1) A Register in Form no. XII shall be maintained in regard to SLPs or Appeals against the orders of the Tribunal to the Supreme Court and necessary entries therein be promptly made by the Judicial Branch.

(2) The register shall be placed for scrutiny by the Chairperson in the first week of every month.

104. Placing of Supreme Court orders before Tribunal :-

Whenever an interim or final order passed by the Supreme Court of India in an appeal or other proceeding preferred against a decision of the Tribunal is received, the same shall forthwith be placed before the Chairperson / Members for information and kept in the relevant case file. Immediate attention of the Registrar shall be drawn to the directions requiring compliance.

105. Registrar to ensure compliance of Supreme Court orders :-

It shall be the duty of the Registrar to take expeditious steps to comply with the directions of the Supreme Court

CHAPTER 16

MISCELLANEOUS

106. Filing through electronic media :-

The Tribunal may allow filing of appeal or petition or application through electronic media such as online filing and provide for rectification of defects by e-mail or net and in such filing, these rules shall be adopted as nearly as possible on and from a date to be notified separately and the Chairperson may issue instructions in this behalf from time to time.

107. Removal of difficulties and issue of directions :-

Notwithstanding anything contained in the rules, wherever the rules are silent or no provision is made, the Chairperson may issue appropriate directions to remove difficulties and issue such orders or circulars to govern the situation or contingency that may arise in the working of the Tribunal.

SCHEDULE 1

FEES

