



**TELANGANA STATE ELECTRICITY REGULATORY COMMISSION**  
**5<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad-500 004**

I. A. No. 23 of 2018

in

O. P. No. 8 of 2017

Dated: 09.07.2018

**Present**

Sri. Ismail Ali Khan, Chairman

Between:-

M/s Bharat Aluminium Company Limited,  
Balco Nagar, Korba – 495 684 (Chhattisgarh).

.... Applicant /  
Respondent No. 3

AND

1. M/s. Shree Cement Limited, 114 Hans Bhavan,  
1 – Bahadur Shah Zafar Marg, New Delhi – 110 002. .. Respondent No. 1 /  
Original Petitioner.
2. Southern Power Distribution Company of Telangana Ltd,  
Corporate Office, # 6-1-50, Mint Compoudn,  
Hyderabad – 500 063. .. Respondent No.2/  
Respondent No.1.
3. M/s. Vedanta Limited (previously known as Sesa  
Sterlite Limited), Banjari Village, P.O. Sripura,  
Dist. Jharsuguda – 786 202 (Odisha). .... Respondent No. 3 /  
Respondent No. 2.

This application came up for hearing on 30.06.2018. Sri. K. Gopal Chowdary, Advocate for the applicant / Respondent No.3 and respondent No.2 in original petition, Sri. Buddy A. Ranganadhan, Advocate alongwith Sri. P. Vikram, Advocate for the respondent No. 1 / original petitioner, Sri. Y. Rama Rao, Standing counsel for the respondent No.2 in this application and respondent No. 1 in the original petition are present. The application having been heard and having stood over for consideration to this day, the Commission passed the following:

## ORDER

M/s. Bharat Aluminium Company Limited, the applicant herein and the third respondent in original petition has filed an application under section 94 (2) of the Electricity Act, 2003 seeking deletion of the respondent No.3 from the array of the parties in the original petition.

2. The applicant has stated that the respondent No.3 is a separate legal entity in fact and in law and not a party to any of the PPAs under which the cause of action purportedly arises. The applicant is neither a necessary nor a proper party for adjudication of the alleged lis between the original petitioner and the 1<sup>st</sup> respondent and / or the 2<sup>nd</sup> respondent. It is gross misjoinder of parties.

3. The applicant has stated that the petitioner seeks to sanctify an illegal withholding of money due to the original petitioner by the 2<sup>nd</sup> respondent under a completely different and unconnected contract. The original petitioner's joining of the applicant in this petition was with the ulterior motive of obstructing the applicant's legal remedies to recover illegally withheld dues. The joinder of the applicant in the petition is a gross and impermissible abuse of the process of this Commission.

4. The applicant has stated that it has been put to unnecessary and unwarranted costs, including fees for this application and counsel's fees and miscellaneous expenses by reason of the unwarranted and mischievous joinder of it as a party in this petition.

5. Therefore, the applicant has prayed that it is necessary that it being the respondent No. 3 in original petition be deleted from this petition. It also prayed that it is also just and necessary that it be awarded compensatory costs and that exemplary costs may be imposed upon the original petitioner.

"For the reasons and for such others as may be urged in the course of hearing the 3<sup>rd</sup> respondent prays that the Hon'ble Commission be pleased to delete the 3<sup>rd</sup> respondent from the array of parties in the petition with compensatory and exemplary costs against the petitioner."

6. After notice, I have heard the counsel for the parties. On the date of hearing, the submissions are as below.

“ . . . .The counsel for the respondents No.2 and 3 stated that he had filed an application for deletion of respondent No.3 from the array of the parties in the main original petition. He stated that the 3<sup>rd</sup> respondent was included due to the facts obtaining at the time of filing of the original petition, however, the 3<sup>rd</sup> respondent is neither privy nor concerned with the dispute between the original petitioner and the respondents No.1 and 2 being DISCOM and other company. Therefore, respondent No.3 may be deleted.

The counsel for the petitioner in the original petition squarely conceded the fact of inclusion of 3<sup>rd</sup> respondent at the time of filing of the original petition, however, during the pendency of this petition, it has been evolved that respondent No. 3 is not a necessary party. Therefore, he has no objection for passing orders deleting the respondent No. 3 from the array of the parties to the original petition. The counsel for the respondent No.1 has also accepted the contention of the counsel for the respondent No.3.”

7. Accordingly, in view of the submissions made above, the application made by the respondent No. 3 in the original petition is hereby allowed and the respondent No. 3 stands deleted from the array of the respondents. In the circumstances, the parties shall bear their own costs.

***This order is corrected and signed on this the 9th day of July, 2018.***

**Sd/-  
(ISMAIL ALI KHAN)  
CHAIRMAN**

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