

GAHC040008132022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case : IA(C) 138/2022

1:SEW New Melling Power Corporation Limited and Anr.
A Special Purpose Vehicle of M/s SEW Green Energy Limited (Formerly known as M/s SEW Energy Limited)
A Company registered under the provisions of the Companies Act 1956 read with the Companies Act 2013 and having its registered office at 6-3-871 Snehalatha Greenlands Road Begumpet Hyderabad-500016 and Project office at Nafra-790001 District West Kameng Arunachal Pradesh
represented by Sri Jayaprakash Natesan
Associate Vice President

2: M/s SEW Green Energy Limited
(Formerly known as M/s SEW Energy Limited) A Company incorporated under the Companies Act 1956
read with the Companies Act 2013 and having its registered office at 6-3-871 Snehalatha Greenlands Road Begumpet. Hyderabad-500016 and Project office at Nafra 790001 District West Kamen Arunachal Pradesh
represented by Sri Jayaprakash Natesan
Associate Vice President
VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Chief Secretary to the Govt. of Arunachal Pradesh
Itanagar 791111

2:The Commissioner/Secretary (Power)
Govt. of Arunachal Pradesh
Department of Power
3rd Floor
Block 2
Arunachal Pradesh Secretariat
Itanagar 791111
Arunachal Pradesh.

3:The Chief Engineering (Monitoring)
Department of Hydro Power Development
Govt. of Arunachal Pradesh
2nd Floor
Jal Vidyut Bhawan
Itanagar 791111
Arunachal Pradesh

Advocate for the Petitioner : N Hawelia
Advocate for the Respondent : GA (AP)

Linked Case No. : IA(C) 134/2022

1:SEW NAFRA Power Corporation Limited and Anr.
A Special Purpose Vehicle of M/s SEW Green Energy Limited (Formerly known as M/s SEW Energy Limited), A Company registered under the provisions of the Companies Act, 1956 read with the Companies Act, 2013. and having its registered office at 6-3-871. Snehalatha, Greenlands Road, Begumpet. Hyderabad 500016 and Project Office at Nafra 790001 District West Kameng, Arunachal Pradesh, represented by Sri Jayaprakash Natesan, Associate Vice President presently residing in Guwahati.

2: M/s SEW Green Energy Limited
(Formerly known as M/s SEW Energy Limited). A Company incorporated under the Companies Act
1956
read with the Companies Act
2013 and having its registered office at 6-3-871
Snehalatha
Greenlands Road
Begumpet. Hyderabad 500016
and Project Office at Nafra 790001
District West Kameng
Arunachal Pradesh
represented by Sri Jayaprakash Natesan
Associate Vice President
presently residing in Guwahati

VERSUS

1:THE STATE OF AP and 3 Ors.

Represented by the Chief Secretary to the Government of Arunachal Pradesh,
Itanagar 791111

2:The Commissioner/Secretary
(Power)

Govt. of Arunachal Pradesh

Department of Power

3rd Floor

Block 2

Arunachal Pradesh Secretariat

Itanagar 791111. Arunachal Pradesh.

3:The Chief Engineer (Monitoring)

Department of Hydro Power Development

Govt. of Arunachal Pradesh

2nd Floor

Jal Vidyut Bhawan

Itanagar 791111

Arunachal Pradesh.

4:The Chairman and Managing Director

M/s North Eastern Electric Power Corporation Limited (NEEPCO)

Brookland Compound

Lower New Colony

Shillong

793003

Meghalaya State

India

Advocate for the Petitioner : N Gogoi

Advocate for the Respondent : GA (AP)

Linked Case : IA(C) 75/2020

1:SEW Nafra Power Corporation Ltd.

A SPECIAL PURPOSE VEHICLE OF M/S SEW GREEN ENERGY LIMITED

FORMERLY KNOWN AS M/S SEW ENERGY LIMITED

A COMPANY REGISTERED UNDER THE PROVISION OF COMPANIES ACT

1956 READ WITH THE COMPANIES ACT
2013 AND HAVING ITS REGISTERED OFFICE AT 6.3.871
SNEHALATA
GREEN LANDS ROAD
BEGUMPET
HYDRABAD 16
AND PROJECT OFFICE AT NAFRA 790001
DIST. WEST KAMENG
AP. REP. BY SRI JYAYAPRAKASH NETESAN
ASSOCIATE VICE PRESIDENT.

2: M/S SEW GREEN ENERGY LIMITED
A COMPANY INCORPORATED UNDER THE COMAPANIES ACT 2013 AND
HAVING ITS REGISTERED OFFICE AT 6.3.871
SNEHALATA
GREENLANDS ROAD
BEGUMPET
HYDRABAD-16 AND PROJECT OFFICE AT NAFRA-790001
DIST. WEST KAMENG
AP. REPRESENTED BYJAYAPRAKASH NATESAN
ASSOCIATE VICE PRESIDENT.
VERSUS

1:THE STATE OF AP
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF AP
ITANAGAR.

2:THE COMMISSIONER/SECRETARY (POWER)
GOVT. OF AP
3RD FLOOR
BLOCK 2 AP SECRETARIAT
ITANAGAR
AP.

3:THE CHIEF ENGINEER (MONITORING)
DEPTT. OF HYDRO POWER DEVELOPMENT
GOVT. OF AP
2ND FLOOR
JAL VIDYUT BHAWAN
ITANAGAR
AP.

Advocate for the Petitioner : N Hawelia
Advocate for the Respondent : GA (AP)

1:SEW NAFRA Power Corporation Limited and Anr.
A Special Purpose Vehicle of M/s SEW Green Energy Limited (Formerly known as M/s SEW Energy Limited)
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2: M/s SEW Green Energy Limited (Formerly known as M/s SEW Energy Limited) A Company incorporated under the Companies Act 1956 read with the Companies Act 2013 and having its registered office at 6-3-871 Snehalatha Greenlands Road Begumpet. Hyderabad-500016 and Project office at Nafra 790001 District West Kamen Arunachal Pradesh represented by Sri Jayaprakash Natesan Associate Vice President presenly residing in Guwahati
VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Chief Secretary to the Govt. of Arunachal Pradesh Itanagar 791111

2:The Commissioner/Secretary (Power)
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Arunachal Pradesh.

3:The Chief Engineer (Monitoring)
Department of Hydro Power Development
Govt. of Arunachal Pradesh

2nd Floor
Jal Vidyut Bhawan
Itanagar 791111
Arunachal Pradesh

4:The Chairman and Managing Director
M/s North Eastern Electric Power Corporation Limited (NEEPCO)
Brookland Compound
Lower New Colony
Shillong
793003
Meghalaya State
India

Advocate for the Petitioner : Medha Lila Gope
Advocate for the Respondent : GA (AP)

Linked Case : WP(C) 70/2022

1:SEW New Melling Power Corporation Limited and Anr.
A Special Purpose Vehicle of M/s SEW Green Energy Limited (Formerly known as M/s SEW Energy Limited)
A Company registered under the provisions of the Companies Act 2013 and having its registered office at 6-3-871
Snehalata
Greenlands Road
Begumpet. Hyderabad-16 and Project Office at Jang 790104
District Tawang
Arunachal Pradesh
represented by Sri Jayaprakash Natesan
Associate Vice President presently residing in Guwahati

2: M/s SEW Green Energy Limited
(Formerly known as M/s SEW Energy Limited) A Company incorporated under the Companies Act 1956
read with the Companies Act 2013 and having its registered office at 6-3-871
Snehalata
Greenlands Road
Begumpet. Hyderabad 500016
and Project office at Jang 790104. District Tawang
Arunachal Pradesh
represented by Sri Jayaprakash Natesan

Associate Vice President presently residing in Guwahati
VERSUS

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Represented by the Chief Secretary to the Govt. of Arunachal Pradesh
Itanagar 791111

2:The Commissioner/Secretary (Power)

Govt. of Arunachal Pradesh

Department of Power

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Itanagar

Arunachal Pradesh

3:The Chief Engineer (Monitoring)

Department of Hydro Power Development

Govt. of Arunachal Pradesh

2nd Floor

Jal Vidyut Bhawan

Itanagar 791111

Arunachal Pradesh

4:The Chairman and Managing Director

M/s North Eastern Electric Power Corporation Limited (NEEPCO)

Brookland Compound

Lower New Colony

SHILLONG

793003

Meghalaya State

India

Advocate for the Petitioner : Medha Lila Gope

Advocate for the Respondent : GA (AP)

Linked Case : WP(C) 58/2020

1:SEW Nafra Power Corporation Ltd. and Anr.

a special purpose vehicle of M/S SEW Green Energy Ltd. formerly known as M/S
SEW Energy ltd. registered under the provision the companies Act

1956

represented by Sri Jayaprakash Natesan

Associate vice President

2: M/S SEW Green Energy Ltd.

formerly known as M/S SEW Energy ltd. a company incorporated under the
Companies Act
1956
represented by Sri Jayaprakash Natesan
Associate Vice President.
VERSUS

1:THE STATE OF AP AND 2 ORS.
represented by the Chief Secretary
Govt. of AP
Itanagar

2:The Commissioner
/Secretary
Power
Govt. of AP
Itanagar

3:The Chief Engineer
Department of Hydro Power Development
Govt. of AP
Itanagar

Advocate for the Petitioner : Medha Lila Gope
Advocate for the Respondent : Lissing Perme

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 11-11-2022

Heard Ms. N. Hawelia, learned counsel for the applicant alongwith Mr. D. Senapati,
learned counsel appearing on behalf of respondent No.4 in the Writ petition No.70(AP)/2022.

This I.A. is an application for the implement of North Eastern Electric power corporation
Limited (NEEPCO), Brookland Compound, Lower New Colony, Shillong – 793003,
Meghalaya State, India as respondent No.5 in Writ petition (C)/70(AP)/2022.

The learned counsel for the applicant submits that the petitioner had filed the W.P.
(C)/70(AP)/2022 wherein the Chairman and the Managing Director of NEEPCO were made

parties in the writ petition. However, since an objection was raised by the respondents, that the Chairman and the Managing Director of NEEPCO cannot be made a party in their individual capacities, that, the NEEPCO being a distinct and separate legal entity, therefore, having not impleaded North Eastern Electric Power Corporation Ltd., as a party respondent, the instant writ petition was not maintainable for non-joinder of necessary parties. Hence, the instant application is filed for impleadment of North Eastern Electric Power Corporation Limited (NEEPCO) and be allowed to rectify any such omissions and objections raised.

Mr. D. Senapati, learned counsel appearing on behalf of respondent No.4 has strongly objected to the impleadment of

NEEPCO at this stage mentioning that the objection which was raised in the Writ petition(C)/70(AP)/2022 would be malafide if the I.A. is allowed.

Having heard the submissions made by both the parties, this court finds that it would be appropriate in the interest of justice to allow the impleadment of NEEPCO as respondent No.5, as prayed for and that the Writ petition(C)/70(AP)/2022 be heard and disposed on the merits of the case.

Accordingly, the NEEPCO is allowed to impleaded as respondent No.5. Registry to do the needful.

I.A.(C)/138(AP)/2022 accordingly stands allowed and disposed.

JUDGE

Comparing Assistant