

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

APPEAL NO. 24 OF 2017

Dated: 25th January, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:

M/s Wellknown Polyesters Ltd.

.... Appellant(s)

Vs.

Joint Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Ms. Surbhi Sinha

Counsel for the Respondent(s) : Mr. Varun Pathak
Ms. Rinku Gautam for R-1

Ms. Swapna Seshadri for R-2

ORDER

In this appeal the Appellant has challenged the Order dated 25.07.2016, whereby the Joint Electricity Regulatory Commission/Respondent No.1 has dismissed the review petition filed by the Appellant seeking review of Order dated 06.04.2016. Our attention is drawn to the Judgment of the Supreme Court in DSR STEEL (PRIVATE) LIMITED vs. STATE OF RAJASTHAN AND OTHERS ((2012) 6 SCC 782) as well as to the Judgment of this Tribunal in DFR No. 2718 of 2013. In view of the law laid down by the Supreme Court and this Tribunal, respectively, in the above Judgments, we are of the opinion that this appeal is not maintainable and is dismissed as such. However, it would be open to the Appellant to challenge the Order dated 06.04.2016. If such an appeal is preferred, it will be considered on its own merits on all aspects. We make it clear that on the merits of the

case, we have not expressed any opinion. Contentions of the Appellant are kept open.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/vt