

**COURT-I**

Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)

**IA NO. 199 OF 2015 IN**  
**APPEAL NO. 126 OF 2015**

**Dated: 4<sup>th</sup> November, 2015**

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

**In the matter of:-**

**Uttar Haryana Bijli Vitran Nigam Ltd. .... Appellant (s)**  
**Versus**  
**Haryana Electricity Regulatory Commission & Anr. .... Respondent (s)**

Counsel for the Appellant(s) : Mr. Varun Pathak

Counsel for the Respondent(s) : Mr. Herman (Rep.) for R.2

**ORDER**

On 25.05.2015 we issued notice to the Haryana Electricity Regulatory Commission (“**the State Commission**”) on the appeal as well as on the stay application. By the impugned order the State Commission has waived the condition of bank guarantee. An important legal issue arises in this matter. It is therefore absolutely necessary for the State Commission to assist this Tribunal. Despite service, the State Commission has not chosen to put in an appearance. Nobody is representing the State Commission. We deprecate this conduct of the State Commission. We post the I.A. No. 199 of 2015 on 17.11.2015. On that day if the State Commission’s representative does not appear before this Tribunal,

we shall pass appropriate order. It will be presumed that the State Commission is not interested in the outcome of this appeal.

Registry is directed to send a copy of this order to the Haryana Electricity Regulatory Commission. Learned counsel for the Appellant shall also serve a copy of this order on the State Commission.

List the matter on 17.11.2015. In the meantime, interim order to continue.

**(I.J. Kapoor )  
Technical Member**

**(Justice Ranjana P. Desai)  
Chairperson**

Ts/dk