

**COURT-II**

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**IA No. 352, 353 of 2015 in  
Appeal No. 188 of 2015**

**Dated: 5<sup>th</sup>October, 2015**

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member  
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

**In the matter of:**

**Torrent Power Ltd.**

**....Appellant(s)**

**Versus**

**Uttar Pradesh Electricity Regulatory Commission &Ors.**

**.... Respondent(s)**

Counsel for the Appellant (s) : Mr. RamjiSrinivasan, Sr. Adv.,  
Ms. DeepaChawan,  
Mr.H. S. Jaggi, Mr. R. Chile,  
Ms. Sara Sundaram

Counsel for the Respondent (s) : --

**ORDER**

Heard Mr. RamjiSrinivasan, learned Sr. Counsel for the Appellant. We have perused our earlier order dated 15.09.2015. Appellant is filing Affidavit of Service today i.e. 05.10.2015. The service was affected on 01.10.2015 followed by 3 continuous holidays. None is appearing for the Respondents today and they have not filed counter affidavit/reply. The Appellant has filed IA No. 352 of 2015 seeking expeditious hearing of IA No. 353 of 2015 and IA No. 353 of 2015 is for passing interim stay to restrain the State Commission to proceed with the matter regarding any kind of investigation as referred in the impugned order. We have also gone through the order dated 4.9.2009 passed by the Hon'ble Supreme Court in its petition Civil Appeal No. 316 of 2009 captioned

*GhrareluVidyutUpbhoghtaKal. Samiti and others Vs. State of U.P. and others* which reads as under:

*“Learned Counsel for the petitioner seeks permission to withdraw the petition. Permission granted. The writ petition is dismissed as withdrawn”.*

There is one more order of the Hon’ble Supreme Court dated 30.06.2014 in Special Leave Petition (C) No. 12556 of 2014 captioned *Anoop Gupta Vs. Union of India and others* which reads as under: -

*“Learned Counsel appearing for the petitioner seeks permission to withdraw this Special Leave Petition.*

*Special Leave Petition is permitted to be withdrawn and disposed of accordingly.”*

This order came in the said SLP which arose out of the final judgment/order dated 27.03.2014 in Writ Petition No. 2463 of 2014 passed by Hon’ble High Court of Allahabad at LucknowBench.

Hon’ble Division Bench of Allahabad High Court in Public Interest Litigation (PIL) No. 30385 of 2012 captioned *Agra MandalVyaparSangathan Vs. State of U.P. and others* vide order dated 15.06.2012 by passing a detailed order running into 9 pages in para 20 thereof sought counter affidavits by the Respondent Nos. 1, 2, 3 & 4, on six questions which we do not think it appropriate to cite.

LucknowBench of Allahabad High Court in Misc.BenchNo. 2463 of 2014 captioned *Anoop Gupta [P.I.L.] Vs. Union of India and others* passed order dated 27.03.2014 running into 4 pages with the last paragraph reading as under :-

*"In view of above discussions, we hereby dismiss the petition. However, we provide that in case, the petitioner is a public spirited person and intends to assist the Court, he may intervene in the aforesaid two pending petitions before this Court at Allahabad and bring all the materials available to him in support of his case to the notice of the Court."*

Considering the above facts and keeping in mind the paramount consideration of the interest of justice, we deem it appropriate to direct the State Commission not to proceed with the matter till the next date of hearing. We accordingly direct the State Commission.

So far as IA No. 352 of 2015 praying for early hearing, is concerned, the matter has been listed today and accordingly the same stands disposed of.

Respondents may file Counter affidavit and objections within 2 weeks from today and rejoinder, if any, within one week thereafter.

Post this IA No. 353 of 2015 as well as appeal for hearing on **02.11.2015**.

**(T. Munikrishnaiah)**  
Technical Member

**(Justice Surendra Kumar)**  
Judicial Member

*jps/vg*