

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NO. 233 OF 2016 IN
DFR NO. 1176 OF 2013**

Dated: 16th October, 2017

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

In the matter of:

Bihar State Power (Holding) Co. Ltd.

... Appellant(s)

Vs.

Bihar Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Navin Prakash

ORDER

Learned counsel for the appellant states that the appellant wants to challenge the amendment to Bihar Electricity Regulatory Commission (Standards of Performance of Distribution Licensee) Regulations 2006. Learned counsel states that as per the Judgment of the Supreme Court in ***PTC INDIA LIMITED vs. CENTRAL ELECTRICITY REGULATORY COMMISSION (2010 (4) SCC 603)*** the appellant can raise this challenge only in the High Court. The appellant therefore wants to withdraw this appeal. The appeal is accordingly allowed to be withdrawn. Needless to say that the appellant will be at liberty to challenge the amendment to the said Regulations in the High Court if it is so advised. We make it clear that we have not expressed any opinion on the aforesaid Regulations or amendment thereof.

The appeal is disposed of as withdrawn.

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

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