

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

APPEAL No. 44 of 2005

Dated : October 10, 2007

**Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson
 Hon'ble Mr. A.A. Khan, Technical Member**

**Gajendra Haldea
R/o C-II/69, Bapa Nagar
New Delhi -110 003**

... Appellant(s)

Versus

**1 Power Trading Corpn. of India Ltd.
2nd Floor, Bhikaji Cama Place,
New Delhi – 110066
2 Central Electricity Regulatory Commission
Core-3, 6th Floor, Scope Complex
New Delhi – 110 003**

... Respondent(s)

For the Appellant (s) : Mr. Sitesh Mukherjee & Mr.Sapan Kumar Mishra, advs.,
For the Respondent (s): Mr. Amit Kapur with Ms. Poonam Verma &
 Mr. Apoorva Misra for PTC
 Mr. N.N. Chaturvedi & Mr. M.G. Ramachandran,
 advs., for Powergrid

ORDER

The appellant has placed on record fresh material, which appears to have come into existence after the filing of the appeal. On the basis of this material, the learned counsel for the appellant argues that its contention that the Power Grid Corporation of India Limited has pervasive control and influence over the PTC is amply proved.

This material was not before the Central Electricity Regulatory Commission (for short 'Commission'). Therefore, there was no occasion for the Commission to deal with it.

In the circumstances, we are of the view that the Commission should consider the material and take a view as to whether or not any defect attaches to the licence issued to the PTC.

In this view of the matter, we direct the Commission to consider the above mentioned additional material, on the filing of a proper application before it by the appellant, and take a fresh view in the matter as to whether or not inter state trading licence granted to the PTC has been vitiated and needs to be cancelled. It will be open to the parties to raise such pleas and contentions before the Commission as are permissible in law.

The appeal is disposed of.

(A.A. Khan)
Technical Member

(Anil Dev Singh)
Chairperson

Dated: October 10, 2007