

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

**I.A. No. 128 of 2007
in Appeal No. 113 of 2006**

Dated: September 6, 2007

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

Mandi Gobindgarh Induction Furnace Association -Appellant(s)
V/s.
PSEB & anr. -Respondent(s)

Counsel for Appellant(s) : Mr. Vishal Gupta

Counsel for Respondent(s) : Mr. M.G. Ramachandran for PSERC

ORDER

On April 26, 2007, the appellant was required to list out its grievances which were required to be examined in the light of the judgment of this Tribunal dated May 26, 2006 rendered in appeal nos. 4,13,14,23,25,26,35,36,54 and 55 of 2005.

On May 17, 2007 again the matter was listed but there was no compliance with the order dated April 26, 2007. As such the matter was directed to come up on July 3, 2007 for reporting compliance of the order dated April 26, 2007 and for hearing. On July 3, 2007 there was no appearance on behalf of the appellant nor was there any compliance with the order dated April 26, 2007. Since no one appeared on behalf of the appellant on July 3, 2007, the matter was dismissed for non-prosecution.

The learned counsel for the appellant, appearing in the application for restoration of appeal, has submitted that the non appearance of the counsel for the appellant was neither intentional nor willful and it was under the bonafide belief that the matter was listed on July 3 , 2007 only

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for submission of written arguments.

The learned counsel prays that the matter be restored. He also states that the order passed in appeal no. 115 of 2006 be passed in the instant appeal as well. Mr. M.G. Ramachandran, the learned counsel for Commission states that he has no objection to the restoration of the appeal and passing of a similar order as was passed in appeal no. 115 of 2006.

Having regard to the submission of the learned counsel for the parties the appeal is restored to its original number.

The learned counsel for the commission says he has already made a statement in appeal no. 115 of 2006 that effect to the judgment dated May 26, 2006 rendered by us in appeal nos. 4, 13, 14,23,25,26,35,36,54 and 55 of 2005 shall be given in the tariff order for the year 2007-2008 and therefore, the appeal does not survive.

Keeping in view the statements of the learned counsel for the parties the appeal has been rendered infructuous. Accordingly, the appeal is disposed of as such.

(A.A. Khan)
Technical Member

(Anil Dev Singh)
Chairperson