

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

Revision Petition No. 3 of 2007

Dated : 16th May, 2007

**Coram : Hon'ble Mr. A. A. Khan, Technical Member
Hon'ble Mrs. Justice Manju Goel, Judicial Member**

B. M. Verma, CMD, UPPCL ... Appellant

Versus

Uttarakhand Electricity Regulatory Commission ...Respondent

For the Appellant : Mr. M. G. Ramachandran, Advocate

For the Respondents : Mr. Anoop Choudhury, Sr. Advocate and
Mr. Suresh Tripathy, Advocate

ORDER

Mr. Choudhury, appearing for the respondent No.2, disputes the maintainability of the application under 111(6).

We are informed that Mr. Dewakar Dev, Chairman, Uttarakhand Electricity Regulatory Commission has since retired. The principal challenge to the notice dated 13.04.2007 that weighed with this Tribunal in issuing notice to the respondent, Uttarakhand Electricity Regulatory Commission and to Mr.Dewakar Dev was that the impugned notice dated 13.04.2007 contemplating action under Section 142 & 146 of The Electricity Act 2003 was a product of alleged malafides on the part of Mr. Dewakar Dev. Since Mr.Dewakar Dev has now retired the proceedings under Section 142 & 146 will be undertaken by the Uttarakhand Electricity Regulatory Commission san Mr. Dewarkar Dev. Thus the petitioner can no longer be

apprehensive that the proceedings consequent on the impugned notice will be influenced by malafides. In this view, the Petition has become infructuous. Therefore, without going into the question of merit of this petition or into the question of maintainability of the Petition under Section 111(6) of The Electricity Act 2003 we dispose of the Revision Petition as infructuous and direct that the Commission resume the interrupted process initiated by it and take it to its logical end.

(Justice Manju Goel)
Judicial Member

(A. A. Khan)
Technical Member