

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 85 of 2007 in Appeal No. 44 of 2007

Dated : May 16 , 2007

Present:

Hon'ble Mr.Justice Anil Dev Singh, Chairperson
Hon'ble Mr. H.L. Bajaj, Technical Member

Western Electricity Supply Co. of Orissa Ltd. & Ors. ...Appellants

V/s.

Orissa Power Transmission Corporation Ltd. & Ors.Respondents

Counsel for the Appellant : Mr. S. Ganesh, Sr. Adv, Mr. Syed Naqvi and
Ms. Smieetaa Inna

Counsel for the Respondents : Mr. Samareshwar Mahanty and
Mr. Rutwik Panda for OERC
Mr. V.R. Reddy, Sr. Adv, Mr. R.K. Mehta,
Mr. Sunil Murarka, Ms. Suman Kukrety and
Mr. Shobhit Jain for GRIDCO and OPTCL

ORDER

The appellant has filed an Application for withdrawal of the appeal with liberty to file a fresh appeal(s). The learned counsel for the GRIDCO and OPTCL have no objection to the grant of the prayer of the appellant. Accordingly, the appeal is dismissed as withdrawn with liberty to file a fresh appeal.

It is submitted by the learned senior counsel for the appellant that since the appeal is being withdrawn for a technical defect and in respect of the fresh appeals, in lieu of Appeal Nos. 44 and 45 of 2007, full fee as

prescribed by the Rules has been deposited, the appellant should be allowed refund of the fee deposited in the present case.

Since the appeal is being withdrawn for a technical defect and for the fresh appeals, court fee stated to have been deposited, the appellant is held entitled to refund of the fee deposited for filing the instant appeal as we consider it to be a fit case for waiver of the fee.

In view of the prayer of the appellant, the appeal is dismissed as withdrawn with liberty to file a fresh appeal.

(H.L. Bajaj)
Technical Member

(Anil Dev Singh)
Chairperson