

COURT-I

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

**Appeal No. 81 of 2013 &
IA 129 of 2013**

Dated : 3rd October, 2013

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member**

GMR Vemagiri Power Generation Ltd. Appellant(s)

Versus

**Andhra Pradesh Electricity Regulatory
Commission & Ors. Respondent(s)**

**Counsel for the Appellant(s) : Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Gopal Jain,
Mr. Alok Shankar**

Counsel for the Respondent(s): Mr. P. Shiva Rao for R.2 to 6

ORDER

This Appeal is filed as against the Order passed by the State Commission on 12.03.2013 allowing I.A. No. 3 of 2013 for the withdrawal of the Petition in O.P. No. 70 of 2012 filed by the Respondent.

We have heard the learned Senior counsel appearing for the Appellant as well as the learned counsel for the Respondent.

It is noticed that the issue in O.P. No. 70 of 2012 filed by the Respondent and the issue in O.P. No. 71 of 2012 filed by the

Appellant are the same. Therefore, we feel that it is better for the State Commission to hear both the parties in both the matters and decide the issue in accordance with law.

We are not expressing any opinion on the merits of the matter. It is for the State Commission to decide the matters after giving opportunity to both the parties in both the Petitions and decide the issues on the basis of the materials available on record as well as the submissions made by both the parties.

Accordingly, the Impugned Order in O.P. No. 70 of 2012 is set aside and consequently O.P. No. 70 of 2012 is restored. The State Commission is directed to dispose of both the matters in O.P. Nos. 70 & 71 of 2012 as expeditiously as possible.

With these observations, the Appeal is disposed of.

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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