

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

**IA No. 92 of 2016 in DFR No. 2566 of 2015 &
IA No. 107 of 2016**

Dated: 9th March, 2016

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of :

**M/s. Udupi Power Corporation Ltd.
Versus**

.... Appellant(s)

Karnataka Power Transmission Corpn. Ltd. Ors.

.... Respondent(s)

Counsel for the Appellant (s) :

Mr. Sakya Singha Choudhary
Ms. Kanika Chugh

Counsel for the Respondent (s) :

Mr. M.S. Ramalingam for CERC

Mr. D.L. Chidananda for R.4

Ms. Swapna Seshadri for KPTCL

ORDER

In view of the fact that the applicant/appellant has filed an application for clarification before the Central Electricity Regulatory Commission ("**Central Commission**"), the counsel for the applicant states that he has instructions to withdraw the appeal, but the applicant may be granted liberty to approach this Tribunal if the Central Commission's order is against the applicant.

Since the applicant's application for clarification is pending before the Central Commission, we permit the applicant to withdraw this

appeal. However, we make it clear that we have not considered the case on merits, and in case the applicant is aggrieved by the order to be passed by the Central Commission on its application, the applicant can file an appeal before this Tribunal against the original order as well as against the order passed on the clarification application, which shall be considered on its own merits.

The appeal is allowed to be withdrawn and is disposed of as such.

(I.J. Kapoor)
Technical Member
ts/mk

(Justice Ranjana P. Desai)
Chairperson