

COURT – I

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

Appeal No. 74 of 2012

Dated: 20th April, 2012

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

State Load Dispatch Centre U.P. ... Appellant(s)

Versus

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

Counsel for the Appellant(s): Mr. Rahul Srivastava

Counsel for the Respondent(s): Mr. Pawan Upadhyay
Mr. A.P. Singh, G.M.
& Mr. Vijay for R-2

Mr. Pawan Upadhyay &
Mr. R.K. Jain, Mgr. for R-3

Ms. Ranjitha Ramachandran for R-4& 5

Mr. Sanjay Sen, Ms. Shikha Ohri
Mr. Anurag Sharma for R-6

ORDER

We have heard both the learned counsel for the Appellant as well as the Caveator. The Central Commission issued only an interim order directing the Appellant to submit data to NLDC. These proceedings arise out of Section 142 proceedings on the complaint of Respondent Nos. 2 and 3, the co-generating plants. As such the final order has not been passed by the State Commission. Admittedly, the above

proceedings are still pending. Therefore, we are not inclined to interfere with the order impugned, which is an interim order.

The learned counsel, appearing for the Appellant, at this stage requests this Tribunal to give directions to the Commission to follow the procedure vide Section 142 of the Act and pass final order after giving sufficient opportunity to the Appellant. Accordingly directed.

However, as we find no ground to entertain this Appeal, we dismiss this Appeal at the admission stage itself.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

vs/mk