

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 146 of 2012

Dated : 1st August, 2014

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

Chhattisgarh Mini Steel Plant Association **Appellant(s)**

Versus

Chhattisgarh State Electricity Regulatory Commission & Ors.**Respondent(s)**

Counsel for the Appellant(s) : Mr. Chinmoy Pradeip Sharma
Mr. Sayan Ray
Counsel for the Respondent(s) : Mr. K. Gopal Choudary &
Mr. A. Bhatnagar for R-2
Ms. Swapna Seshadri for R-1

ORDER

As directed by us, the affidavit has been filed by the Appellant giving the reasons for the withdrawal of the Appeal. In respect of the averments made in Para No. 6 of the Application for withdrawal, the learned counsel for the Respondents seriously objects stating that those are not factually correct. In view of the objection raised by the learned counsel for the Respondents, the Applicant/Appellant seeks permission to withdraw Para No.6 of the Application seeking for withdrawal of the Appeal. Accordingly, the same is permitted and withdrawn.

Earlier in this matter, one another Counsel was engaged, who argued the matter for some time and subsequently he withdrew his Vakalatnama as he could not get instructions from the Appellant. Thereafter, we issued notice to the Appellant, even then, there was no response from the Appellant. Ultimately, we dismissed the Appeal for non-prosecution.

Subsequently, the Appellant filed an Application for restoration of the Appeal. After hearing the parties, we restored the Appeal.

Now the present Application has been filed for withdrawal of the Appeal showing so many reasons. The most important thing to be noticed in this Appeal is the Appellant's conduct with regard to its absence resulting in the dismissal of Appeal and subsequent prayer for restoration of the Appeal and now withdrawal of the Appeal, which in our view, is highly condemnable.

Therefore, we deem it appropriate to impose some costs while allowing the prayer for withdrawal of the Appeal.

Accordingly, the Appellant is directed to pay the cost of Rs.25,000/- (Rupees twenty five thousand only) to a charitable organization, namely, "**HOPE Ek A.S.H.A., D-52, GREATER KAILASH ENCLAVE - II, NEW DELHI - 110048**" on or before 20.08.2014.

With these observations, the Appeal is allowed to be withdrawn.
Accordingly, the Appeal is dismissed as withdrawn.

Post the matter for Reporting Compliance on **26.08.2014**.

(Rakesh Nath)
Technical Member
ts/kt

(Justice M. Karpaga Vinayagam)
Chairperson