

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

**Appeal No. 110 of 2013 &
I.A. No. 181 of 2013**

Dated : 31st May, 2013

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

In the matter of:

**Maharashtra State Electricity Distribution
Company Ltd.Appellant(s)
5th Floor, Prakashgad
Bandra (East)
Mumbai – 400 051**

Versus

- 1. Maharashtra Electricity Regulatory Commission ... Respondent(s)
World Trade Centre No. 1, 13th Floor
Cuffee Parade, Colaba
Mumbai – 400 001**
- 2. ISMT Limited
Viman Nagar, Pune – 411 014
PimpalgaonDhum
Tal:Dindori, Nashik**

Counsel for the Appellant (s): Mr. Akhil Sibal
Mr. Samir Malik
Mr. Aditya Diwan
Mr. Salim Inamdar

Counsel for the Respondent(s): Mr. M.G. Ramachandran and
Ms. Deepali Sheth for R.2
Mr. Buddy A. Ranganadhan and
Ms. Richa Bharadwaja for R.1

ORDER

On the request of the Learned Counsel for the parties Appeal itself has been taken up for disposal since it involves a small issue. According to the Learned Counsel for the Appellant, the State Commission passed interim impugned order giving a finding without giving adequate opportunity to the Appellant.

2. On this point, we have the Learned Counsel for the parties.
3. Without going into the merits of the matter we think it appropriate to remand the matter to the State Commission after setting aside the impugned order with directions that the State Commission shall hear both the parties on all the issues including the issue of jurisdiction raised by the Appellant and pass the order uninfluenced by any of the findings given in its earlier order. Accordingly directed.
4. We make it clear that we do not express any opinion on the issues raised by the Appellant in this Appeal.

5. The State Commission may pass the appropriate order in accordance with law as expeditiously as possible after giving full opportunity to both the parties.

6. With this observation, the Appeal as well as the IA is disposed of.

7. Pronounced in the open court on this 31st day of May, 2013.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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REPORTABLE/NON-REPORTABLE
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