

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

**DFR No. 1091 of 2013 in
Appeal No. 81 of 2011**

Dated : 27th May, 2013

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

In the matter of:

Allian Duhangan Hydro Power Ltd.Appellant(s)

Versus

Everest Power Pvt. Ltd. & Ors. ...Respondent(s)

Counsel for the Appellant (s): Mr. Tarun Johri

ORDER

We have heard the learned counsel for the parties.

Admittedly, the issue which had already been decided by this Tribunal in Appeal No. 81 of 2011 has already been appealed and as such the Appeal is pending before the Hon'ble Supreme Court.

Therefore, we would not like to grant any interim relief sought for in this Application filed by the Applicant/Respondent No.1. Since the Appeal is pending before the Hon'ble Supreme Court, it is open to the Applicant to approach the Hon'ble Supreme Court to seek for necessary Orders, if so advised.

With this observation, this Application is dismissed.

**(Rakesh Nath)
Technical Member**

**(Justice M. Karpaga Vinayagam)
Chairperson**