

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

Appeal No. 211 of 2014

Dated : 07th November, 2014

**Present : Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice Surendra Kumar, Judicial Member**

In the matter of:

**Ms/ Aryan M.P. Power Generation Pvt. Ltd. Appellant(s)
Versus
Central Electricity Regulatory Commission & Ors. Respondent(s)**

Counsel for the Appellant (s) : Mr. Sanjay Sen, Sr. Adv. and
Mr. Matrugupta Mishra

Counsel for the Respondent (s) : Mr. Sarthak Nayak, Mr. Abhijit Mitra,
Mr. Neeraj Kumar Jha and
Mr. S.P.Singh for R-2

Mr. Nikhil Nayyar and Mr. Dhananjay
Baijal for R-1

ORDER

This Appeal was filed against certain observations with respect to the transmission charges to be paid by the appellant in the impugned order dated 18.12.2013 of the Central Commission. This Tribunal by order dated 01.09.2014 had stated that before considering the question of admission of the appeal some clarification needed to be sought from Central Commission over the matter raised in the appeal. The Central Commission has filed its affidavit dated 28th October, 2014 stating as under :

"...It was further submitted that the prayers of the Appellant will be dealt with in accordance with the provisions of the Connectivity Regulations and BPTA, after hearing the Appellant, PGCIL and other respondents. Furthermore, the prayer in the Petition No. 69/MP/2014 is for relinquishment of LTOA to the transmission assets and not determination of tariff and therefore, orders passed in respect of the Petition for determination of tariff will not be relied upon while disposing the petition

for relinquishment of LTOA. It clarified that the determination of the question of relinquishment of LTOA will be the basis to determine whether the Appellant has the liability to pay the transmission charges or not.”

It is also informed by learned Sr. counsel for the Central Commission that the Central Commission has already heard the issue of relinquishing of the long term open access of the appellant in a separate proceeding in which the order has since been reserved.

In view of the above, the appellant now prays for withdrawal of the appeal. The other parties have no objection for the same.

In view of the above, the appeal is disposed of as withdrawn at this admission stage.

(Justice Surendra Kumar)
Judicial Member

(Rakesh Nath)
Technical Member

sh/jps