

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

**IA No. 274 of 2011, I.A. No. 216 of 2011 (RP) in DFR No. 1265 of  
2011 in Appeal No. 112 of 2010**

**Dated: 30<sup>th</sup> November, 2011**

**Present : Hon'ble Mr. Rakesh Nath, Technical Member  
Hon'ble Mr. Justice P.S. Datta Judicial Member**

**M/s Balasore Alloys Limited & Ors. .... Appellant (s)  
Versus  
Orissa Electricity Regulatory Commission & Ors. .... Respondent (s)**

**IA No. 275 of 2011, I.A. No. 217 of 2011 (RP) in DFR No. 1264 of  
2011 in Appeal No. 102 of 2011**

**M/s Tata Steel Limited .... Appellant (s)  
Versus  
Orissa Electricity Regulatory Commission & Ors. .... Respondent (s)**

**IA No. 276 of 2011, I.A. No. 218 of 2011 (RP) in DFR No. 1266 of  
2011 in Appeal No. 103 of 2011**

**M/s Ferro Alloys Corporation Limited .... Appellant (s)  
Versus  
Orissa Electricity Regulatory Commission & Ors. .... Respondent (s)**

Counsel for the Appellant (s): Mr. Ashok Parija, Sr Adv., Mr. M.G. Ramachandran, Mr. R.M. Patnaik & Mr. P. P. Mohanty, Advocates

Counsel for the Respondent(s): Mr. R.K. Mehta for OERC  
Mr. Antaryami Upadhyay  
Mr. David A.

**ORDER**

The appellants in Appeal Nos. 112 of 2010, 102 of 2011 & 103 of 2011 being aggrieved with the final orders passed therein analogously on 30<sup>th</sup> May, 2011 preferred three separate review petitions being I.A. No. 216 of 2011 (Appeal No. 112 of 2010), I.A. No. 217 of 2010 (in connection

with Appeal No. 102 of 2011) and I.A. No. 218 of 2011 (in connection with Appeal No. 103 of 2011) on certain grounds which it is not necessary for us to discuss in this order. Notices have been served upon all the respondents in connection with the three Review Petitions as aforesaid and Mr. R.M. Patnaik & Mr. R.P. Mohanty appear for the respondents, while Mr. Raj Kumar Mehta, learned counsel appears for the appellants/review petitioners.

At the outset of hearing, Mr. Mehta moved three applications being I.A. No. 274 of 2011, I.A. No. 275 of 2011 and I.A. No. 276 of 2011 in connection with I.A. No. 216 of 2011, I.A. No. 217 of 2011 and I.A. No. 218 of 2011 respectively praying for withdrawal of the review petitions. Learned counsel for the respondents does not raise any objection to the applications of the review petitioners for withdrawal of the review petitions, but drew our attention to paragraph no. 9 of one of the review petitions being no. I.A. 217 of 2011 and submitted that the grounds advanced in this paragraph are totally irrelevant and objectionable. Though the learned counsel for the opposite parties does not ultimately raise any objection to the withdrawal of the review petition, it has been submitted that in the event of the Tribunal allowing the prayers for withdrawal, the review petitioners may be saddled with costs in favour of the opposite parties.

Mr. R.K. Mehta, on the other hand, explained the circumstances under which the review petitions were filed and the circumstances under

which withdrawal applications have been filed.

Upon hearing the learned counsel for the parties, we deem it proper to allow the review petitioners to withdraw from the review petitions but at the same time the review petitioners should be saddled with some costs which we may quantify at Rs. 10,000/- which shall be paid to any charitable organization of the choice of the review petitioners.

Thus, I.A. No. 216 of 2011, I.A. No. 274 of 2011, I.A. No. 217 of 2011, I.A. No. 275 of 2011, I.A. No. 218 of 2011 and I.A. No. 276 of 2011 are accordingly disposed of.

**( P.S.Datta)**  
**Judicial Member**

**(Rakesh Nath)**  
**Technical Member**

rkt/Ks