

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 34 of 2013 &
IA No. 49 of 2013

Dated : 25th November, 2013

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

Shivam Iron & Steel Co. Ltd. & Anr. Appellant(s)
Versus
Damodar Valley Corporation & Anr. Respondent(s)

Counsel for the Appellant(s) : Mr. Amit Kapur
Mr. Apoorva Misra
Mr. Devashish Bharuka
Mr. Shashank Shekhar
Mr. Rohit Venkat

Counsel for the Respondent(s) : Mr. M.G. Ramachandran,
Ms. Swagatika Sahoo
for R-1
Mr. Tejinder for R-2

ORDER

Mr. Amit Kapur, the learned counsel for the Appellant today has filed a Memo seeking permission to withdraw the Appeal. The reasons for the withdrawal are given in Para Nos. 2, 3 & 4 of the said Memo, which are as follows:

- 2. “ While the Appeal was pending and being heard, Ld. CERC has issued the final tariff order for various generating stations of Damodar Valley Corporation during July and September, 2013.**
- 3. It is expected that in light of these final tariff orders, DVC would have filed petition for determination of Annual Revenue Requirement and Retail Tariff amount this time.**

To avoid multifarious proceedings and consequential delays, it is considered appropriate by the Appellant to seek liberty to withdraw the present appeal while preserving its right to raise the questions in appropriate appeal after the Ld. Jharkhand Commission determines the ARR and Retail Tariff based on the final tariff orders issued by the Ld. Central Commission.

- 4. It is respectfully submitted that DVC and Ld. Jharkhand Commission be directed to expedite the said proceedings and to permit the Appellant to raise all these questions before the Jharkhand Commission in those proceedings.”***

We have heard the learned counsel for both the parties. Accordingly, the Appeal is dismissed as withdrawn. However, it is open to the Appellant to raise all these questions before the State Commission in the proceedings to be initiated by the Damodar Valley Corporation.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/vs