

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

**I.A. No. 4 of 2011 in
DFR No. 1259 of 2010**

Dated: 4th May, 2011

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam,
Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member**

In the matter of:

Mandi Gobingarh Induction Furnace
Association

.... Appellant (s)

Versus

P.S.E.R.C. & Ors.

...Respondent (s)

Counsel for Appellant (s) : Mr. Manish Srivastava

Counsel for Respondent (s): Mr. Anand K. Ganesan
Mr. Sakesh Kumar for R-1

ORDER

From the reply filed by the State Commission, it is clear that order was passed on 27.5.2009 and the copy of which had been forwarded to the Appellant vide letter No. PSERC/Reg.41/1268/79 dated 27.5.2009, i.e. on the same day through a Courier by assignment dated 27.5.2011. This indicates that the statement made in the Affidavit filed by the Appellant that the State Commission had sent only on 6.8.2010 is not

correct. Learned Counsel for the Appellant on getting further instructions from the Appellant is unable to dispute this statement made by the State Commission through its reply. Now, the Learned Counsel for the Appellant seeks permission to withdraw the Appeal.

While we allow the Appellant to withdraw the Appeal we deem it appropriate to impose heavy cost on the Appellant for having made a wrong statement before this Tribunal. Accordingly, the Appellant is directed to pay cost of Rs. 1,00,000/- (Rupees one lakh only) as a donation to the "National Association for the Blind, Delhi State Branch, Sector-5, R.K. Puram, New Delhi-110082 within four weeks.

Registry is directed to send the copy of this order to the above Charitable Institution for information.

Appeal is dismissed as withdrawn.

Post the matter for reporting compliance **on 04.07.2011.**

**(V.J. Talwar)
Technical Member**

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

Gb/ks