

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

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

Dated: 18th April, 2011

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

Mandi Gobingarh Induction Furnace Association Appellant (s)

Versus

P.S.E.R.C. & Ors. ...Respondent (s)

Counsel for the Appellant (s) : Mr. Diggaj Pathak & Mr. Manish Srivastava
Counsel for the Respondent (s): Mr. Sakesh Kumar for PSERC
Ms. Sneha Venkataramani for PSEB

ORDER

The learned counsel for the Applicant/Appellant seeks permission of this Court for withdrawal of the Appeal.

However, it is pointed out by the learned counsel for the Commission that the allegation contained in the affidavit stating that there was delay on the part of the Commission to send the Order copy to the Applicant is wrong and that the copy of the order has been sent to him without any delay. It is also pointed out by the learned counsel for the Commission that the main ground, which is raised in the Appeal, that the impugned order had been passed by the Commission without hearing the Applicant/Appellant is also wrong, as that the impugned Order had been passed only after hearing the learned

counsel for the Applicant/Appellant in pursuance of the Order of the Hon'ble Supreme Court.

If the statement made by the learned counsel for the Commission is correct, then it is clear that the Appellant has given wrong particulars in the Appeal as well as in the affidavit for condonation of delay.

The learned counsel for the Appellant seeks some time to get instructions on this aspect.

Post the matter on **04.05.2011**.

(V.J. Talwar)
Technical Member

(Justice M. KarpagaVinayagam)
Chairperson

TS/KS