

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

**Appeal No.63 of 2007**

**Dated: 15<sup>th</sup> March, 2011**

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

**Utkal Chamber of Commerce**

**.... Appellant (s)**

**Versus**

**Orissa Electricity Regulatory Commission**

**... Respondent (s)**

Counsel for the Appellant (s) : Mr. Mr. Suresh Tripathy

Counsel for the Respondent (s) : Mr. R.K. Mehta with Mr. Antaryami  
Upadhyay for R.2  
Mr. Hasan Murtaza for R.3 to 5

**ORDER**

It is very unfortunate to notice that a representation has been made by mistake by Mr. Ghanshyam Yadav, the learned counsel representing Mr. Suresh Tripathy, the learned counsel for the Appellant on 18.02.2011 that he is adopting the Written Submissions filed in Appeal No.62 of 2007 to Appeal No. 63 of 2007 also. So, on the basis of the said representation, the Judgment in Appeal No. 63 of 2007 was reserved.

Now, Mr. R.K. Mehta, the learned counsel for Respondent No.2 filed a statement stating that an E-mail has been sent to him by the learned counsel for the Appellant stating that the Appellant does not want any Order in bulk supply tariff and does not wish to file any Written Submissions in Appeal No. 63 of

2007 and thereby instructions have been given to him to withdraw the Appeal.

But, however, a wrong representation has been made by Mr. Ghanshyam Yadav stating that the Written Submissions filed in Appeal No. 62 of 2007 be adopted in other Appeal No. 63 of 2007. Now it is disclosed that without proper instructions either from his senior counsel or from client, such incorrect statement has been made by Mr. Ghanshyam Yadav. This is very unfortunate and sad state of affairs. Therefore, we deem it fit to issue notice to Mr. Ghanshyam Yadav to show cause as to why exemplary costs could not be imposed on him for making such incorrect statement. The Registry is directed to issue notice to Mr. Ghanshyam Yadav, the learned counsel appeared for the Appellant.

Post the matter for further Orders on **22.03.2011.**

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

**(Rakesh Nath)**  
Technical Member

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

TS/KS