

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

Kolkata Circuit Bench

Representation dated 18th September, 2013

Dated : 9th October, 2013

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

Loudon Properties (P) Ltd. Applicant

Versus

**West Bengal Electricity Regulatory
Commission ... Respondent (s)**

**Counsel for the Applicant : Mr. Amitabh Jalan-
Applicant**

Counsel for the Respondent(s) : Mr. C.K. Rai

ORDER

On the basis of the representation through the letter addressed to the Tribunal, we have issued suo-moto notice to the parties today. We have heard the Applicant who is the party in person as well as the learned Counsel for the State Commission and the distribution licensee.

It is now admitted that the Applicant herein has already filed a Writ Petition before the Kolkata High Court challenging therein the orders dated 20th March, 2012 and 28th June, 2013 passed by the State Commission and the same is pending adjudication.

By way of the present Representation, the Applicant is seeking for the same relief from this Tribunal as is being sought by

it in the Writ Petition which is pending adjudication before the Kolkata High Court.

At this stage, we are of the view that when the matter is already pending adjudication before the Kolkata High Court, it is not appropriate for this Tribunal to issue any directions on the basis of the Representation.

It is, however, open to the Applicant to pursue the matter before the Kolkata High Court. With this observation, the Representation is disposed of.

(Rakesh Nath)
Technical Member
rkt

(Justice M. Karpaga Vinayagam)
Chairperson