

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

Appeal No. 42 of 2010

Dated: 12th March, 2010

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

Kumaon Garhwal Chamber of Commerce ... Appellant
Versus
Uttarkhand Electricity Regulatory
Commission & Anr. ... Respondents

Counsel for the Appellant (s) : Mr. M. Lahoty with Mr. Paban K. Sharma &
Mr. Gargi B. Bharati

ORDER

Heard the learned counsel for the Appellant.

It is pointed out by the learned counsel for the Appellant that the Order impugned dated 23.10.2009 in this Appeal is the subject matter of the Appeal No 41 of 2010, which has already been admitted.

Therefore, **Admit.** Issue notice to the respondents returnable on 21.04.2010. Dasti service is permitted.

While arguing the matter for Admission, we asked the learned counsel for the Appellant as to whether the point relating to the binding nature of policy directions under Section 108 of the Electricity Act, 2003, has been put forth before the Commission. He

stated that no opportunity had been given to make the submission with reference to the directions issued under Section 108 of the Act. However, this ground has not been raised in this Appeal. Therefore, the learned counsel seeks permission to file the additional grounds after verification of the data from his client.

Accordingly, he is permitted to file the petition raising the additional grounds.

Post the matter on **21.04.2010.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson