

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

Appeal No. 162 of 2006

**Present : Hon'ble Mr. Justice E. Padmanabhan, Judicial Member
Hon'ble Mr. H.L. Bajaj, Technical Member**

Satluj Jal Vidyut Nigam Ltd. ... Appellant

Versus
State of H.P. & Ors. ... Respondents

For the Appellant : Mr. B.K. Satija, Advocate

For the Respondents : Mr. M.G.Ramachandran with Ms Taruna Singh
Baghel and Mr. Anand K. Ganesan, Advocates
for Respondent No.3 and Mr.Sanjay Sen,
Advocate for HPERC

Dated 20th September, 2006

ORDER

For the appellant Mr. B.K. Satija, Advocate appears. For respondent No. 2 Mr. Sanjay Sen, Advocate appears. For third respondent Mr. M.G. Ramachandran, Advocate appears.

On instructions Mr. Sanjay Sen, Advocate appearing for the second respondent HPERC represents that the impugned communication dated February 10,2005 in reference No. HPERC-DT(V)/452/MS/GA/2004-8701 dated February 10,2005 has been withdrawn. As the impugned communication itself has been withdrawn, it is represented that nothing survive in this appeal. The learned counsel for the Commission has already taken a copy of the letter dated April 8,2005 written by the HPERC and the same is placed on file.

Apart from what is impugned is a regulation and challenge of regulation framed by the Commission is not maintainable in the light of the pronouncement of 3 member bench of this Tribunal on Navelly Lignite V/s Tamil Nadu Electricity Board & Ors.

**(Mr. H.L. Bajaj)
Technical Member**

**(Mr. Justice E. Padmanabhan)
Judicial Member**