

COURT-II

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**A NO. 108 OF 2019 &
IA NO. 468 OF 2019**

Dated: 12th April, 2019

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

**Wind Independent Power Producers Association
6th Floor, Tower 4 A, DLF Corporate Park
DLF Phase – III, M G Road
Gurgaon, Haryana – 122 002**

....Appellant(s)

Versus

- 1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar – 382 355,
Gujarat**
- 2. Gujarat Urja Vikas Nigam Limited,
Sardar Patel Vidyut Bhavan,
Race Course,
Vadodara 390 007, Gujarat**
- 3. M/s. Regen Powertech Pvt. Ltd
201, Saket – 3, Opposite High Court
Income Tax Circle, Ashram Road
Ahmedabad – 380 014**
- 4. M/s. Envision Wind Power Technology
India Pvt. Ltd.**

**1302 Tower 3 Indiabulls Finance Centre
Senapati Bapat Marg, Elphinstone
Road (WEST), Mumbai – 400 013**

- 5. M/s. Nupower Technologies Pvt. Ltd.
407 The Capital, Bandra Kurla Complex
Mumbai – 400 051**
- 6. M/s. GE India Industrial Pvt. Ltd.
A-18, First Floor, Okhla Industrial Area
Phase II, New Delhi – 110 020**
- 7. M/s. Suzlon Energy Limited
Suzlon House, 5th Shrimali Society
Near Shri Krishna Centre
Navrangpura
Ahmedabad – 380 009**
- 8. M/s. Vestas Wind Power Technologies
India (Pvt.)
Plot No. 37 Gallops Industrial
Park NG-8A, Taluka Distt, Ahmedabad
– Rajkot Highway, Rajoda,
Gujarat – 382220**
- 9. M/s. Inox Wind Limited
Plot No.1, Khasra No. 264 to 267
Industrial Area, Village Basal, Distt. Una
Himachal Pradesh – 174 103**
- 10. M/s. Acciona Windpower India Pvt. Ltd.
Unit No. 402, Tower C, Fourth Floor
The Millenia, No.1 and 2, Murphy Road
Ulsoor, Bengaluru, Karnataka – 560 008**
- 11. M/s. Senvion Wind Technology Pvt. Ltd.
B 504, Delphi Building, Orchard Avenue
Sector No.3, Hiranandani Business Park,
Powai, Mumbai, Maharashtra – 400 076**
- 12. M/s. Siva Wind Turbine India Pvt. Ltd.**

Mr. T.N. Durga Prasad
Mr. Manish Singh
Mr. Gagan Kumar for R-3

J U D G M E N T

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

1. The Appellant has presented the instant Appeal seeking the following reliefs:

- a) To grant ex-parte ad interim stay against the Impugned Order dated 26.02.2019, passed by the Respondent Commission in Petition No. 1775/2019 till the final adjudication of the present Appeal;
- b) To set aside the Impugned Order dated 26.02.2019, passed by the Respondent Commission in Petition No. 1775/2019 in its entirety;
- c) To Pass such other or further orders as this Tribunal may deem appropriate, keeping in view the facts and circumstances of the present case.

2. In the instant Appeal, Wind Independent Power Producers Association in short, the "Appellant") is questioning the legality and validity of the Impugned Order dated 26.02.2019 passed in Petition

No. 1775/2019 by the Gujarat Electricity Regulatory Commission, Gandhinagar.

3. The learned counsel Mr. Aniket Prasoon appearing for the Appellant at the outset submitted that the instant Appeal filed by the Appellant may kindly be dismissed as withdrawn in the interest of justice and equity.
4. The learned counsel appearing for the Appellant has filed a Memo dated April 12th, 2019. The same is taken on record.
5. **Per contra**, the learned counsel Mr. S.R. Pandey, appearing for the Respondent No.1/the State Commission, the learned senior counsel Mr. M.G. Ramachandran, appearing for the Respondent No.2 and the learned counsel Mr. T.N. Durga Prasad, appearing for the Respondent No.3 inter alia contended and fairly submitted that the Memo dated April 12th, 2019 filed by the Appellant may kindly be taken on record.
6. Submissions of the learned counsel appearing for the Appellant, the learned counsel appearing for the Respondent No.1/the State Commission, the learned senior counsel appearing for the

Respondent No.2 and the learned counsel appearing for the Respondent No.3, as stated supra, are placed on record.

7. The statement made in the Memo dated April 12th, 2019 reads as under:-

- “1. The present Appeal has been filed by Wind Independent Power Producers Association (WIPPA/Appellant) under Section 111 of the Electricity Act, 2003 (Electricity Act) before this Tribunal to challenge the legality and propriety of the order dated 26.02.2019 (Impugned Order) passed by the learned Gujarat Electricity Regulatory Commission (Respondent Commission/ GERC) in the Petition No. 1775/2019 (Review Petition) preferred by Gujarat Urja Vikas Nigam Limited (GUVNL/ Respondent No.2)*
- 2. The present appeal is listed today for hearing i.e., 12.04.2019 before this Tribunal as per the last order dated 10.04.2019.*
- 3. It is humbly submitted that the members of the Appellant Association held a meeting in the evening on 10.04.2019 wherein they decided unanimously to withdraw the present appeal in view of their further deliberations. Accordingly, the Appellant Association has instructed us to withdraw the present appeal with the kind permission of this Tribunal.*
- 4. In view of the above, it is respectfully submitted that this Tribunal may be pleased to allow the Appellant to withdraw the present Appeal.”*

8. In light of the submissions made by the learned counsel appearing for the Appellant, the learned counsel appearing for the Respondent No.1/the State Commission, the learned senior counsel appearing for the Respondent No.2 and the learned counsel appearing for the Respondent No.3, the instant Appeal filed by the Appellant is hereby dismissed as withdrawan.

10. In view of the Appeal No. 108 of 2019 on the file of the Appellate Tribunal for Electricity, New Delhi being disposed of, on account of which, the reliefs sought in IA No. 468 of 2019 does not survive for consideration and, hence, stand disposed of.

Order accordingly.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N.K. Patil)
Judicial Member