

Now, it is submitted by the learned Senior Counsel for the Appellant that the Appellant is willing to have the Appeal withdrawn but without prejudice to the rights and contentions as have been raised in this Appeal, which in the event of such withdrawal, may be permitted to be raised before the Commission in course of hearing on final determination of tariff in addition to other aspects of fact and law relevant to all possible issues. The learned counsel for the State Electricity Board sought similar leave for her client also.

Upon hearing the learned counsel for all the parties we accordingly pass the following order:-

The instant Appeal shall stand withdrawn without cost with liberty to the Appellant to raise all contentions of fact and law as have been raised in this Appeal before the Commission by furnishing documents and submissions, written and/or oral at the time of hearing by the Commission on determination of final tariff. It shall also have liberty to produce any other documents not filed herein but relevant to the issues of final determination of tariff in course of hearing. Similarly, the State Electricity Board shall have liberty to produce all such documents as it will be liking to produce and make submission written and/or oral. The Commission shall upon hearing the parties concerned shall pass a reasoned order in accordance with the law within three months from the date of this order.

(Justice P.S. Datta)
Judicial Member

(Rakesh Nath)
Technical Member

vs

Vs