

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

Appeal No. 154 of 2007

Dated: April 27, 2009

**Present: Hon'ble Mrs. Justice Manju Goel, Judicial Member
Hon'ble Mr. H.L. Bajaj, Technical Member**

Vaishali Power Generating Co. Ltd. - Appellant(s)

Versus

Central Electricity Regulatory Commission & Anr. -Respondent(s)

**Counsel for the Appellant(s) : Mr. M. G. Ramachandran and
Ms. Swapna Seshadri**

Counsel for the Respondent(s) : Mr. R. B. Sharma for BSEB, Resp. No.2

ORDER

Ms. Swapna Seshadri appearing for the appellant says that the present appeal is against the tariff order for the period of 8/9/06 to 31/3/09 which inter alia required the appellant to file revised petition at the appropriate stage and that the appellant in view of this impugned order seeks permission of Tribunal to withdraw the present appeal without prejudice to the appellant's right to raise the same issues when the Commission finally comes up with the order on the revised petition of the appellant.

The prayer is opposed by Mr. R.B. Sharma, counsel for BSEB. However, the prayer is considered. The appeal is dismissed as withdrawn without prejudice to appellant's right to challenge the order of the Commission on the revised petition of the appellant as and when it is filed.

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

**(Justice Manju Goel)
Judicial Member**