

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

I.A. Nos.1, 2, & 3 of 2008 in AFR No.1386 of 2007

Dated : January 23, 2008

**Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson
Hon'ble Mr. H.L. Bajaj, Technical Member**

**MSEDCL ... Appellant (s)
Versus
MERC & Ors. ... Respondent (s)**

Counsel for the Appellant (s) : Mr. Vikas Singh, Addl. Solicitor General &
Mr. Ravi Prakash

Counsel for the Respondent (s) : Mr. C.S. Vaidyanathan, Sr. Adv. &
Mr. G. Umaphathy for ISPAT
Mr. Jayant Bhushan, Sr. Adv. with
Mr. Buddy A. Ranganadhan and
Mr. Arijit Maitra for MERC-R-1
Mr. Apoorva Misra &
Mr. Mansoor Ali for MIDC

ORDER

A.F.R. 1386 of 2007

This appeal is directed against the order of the Maharashtra Electricity Regulatory Commission (for short MERC) dated November 1, 2007, whereby the review petition of the appellant against its order dated August 24, 2007 was dismissed. We find that the order dated November 1, 2007 rejecting the review petition is *inter-alia* based on the assumption that the appellant besides having filed the review petition had also preferred an appeal from the order of the MERC dated August 24, 2007 and the appeal was pending before this Tribunal. This assumption was not correct as no appeal was presented or pending against the order of the MERC dated

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August 24, 2007. This being so, the Order of the MERC dated November 1, 2007 in review petition filed against the order dated August 24, 2007, which proceeds on erroneous assumption, is required to be set aside.

We order accordingly. The net effect of this Order is that the MERC shall be required to hear the review petition afresh and it will be open to the parties to urge such contentions as are available to them in law.

We order accordingly. The appeal is disposed of.

(H.L. Bajaj)
Technical Member

(Anil Dev Singh)
Chairperson

Dated : January 23, 2008