

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

Appeal No. 264 of 2006

Dated: September 18, 2007

Present: **Hon'ble Mr. Justice Anil Dev Singh, Chairperson**
Hon'ble Mr. A.A. Khan, Technical Member

Indian Tea Association & Ors.

-Appellant(s)

V/s.

Assam Electricity Regulatory Commission & Ors.

-Respondent(s)

Counsel for Appellant(s) : Mr. Dipak Bhattacharyya,
Mr Anami Bhattacharyya, Mr H.S.Jaggi with
Mr. K.P. Ray, Consultant and Mr. Arijit Raha

Counsel for Respondent(s) : Mr. Amit Kapur, Mr. Mansoor Ali Shoket,
Ms. Poonam Verma with Mr. M.K. Adhikary
for Resp No. 1
Mr. Manish Goswami for Resp nos. 2-5

ORDER

While hearing arguments in the matter we found that order dated May 18, 2007 was passed by the Assam Electricity Regulatory Commission without hearing the appellant. This position is not disputed by the learned counsel for the Commission.

The learned counsel for the Commission also states that the order dated August 18, 2006 has merged with the final order of the Commission dated May 18, 2007. The learned counsel for the Commission fairly states that the Commission is willing to hear the appellant and after hearing the appellant, a final order will be passed by the Commission in accordance with the directions contained in our orders dated March 14, 2006 and April 21, 2006.

Having regard to the submissions of the learned counsel for the parties the order dated May 18, 2007 is set aside and the Commission is directed to

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pass a fresh order in accordance with the directions contained in the orders dated March 14, 2006 and April 21, 2006 after hearing the appellant and the concerned respondents. The parties shall appear before the Commission on *September 24, 2007*. The final order shall be passed by the Commission on or before *November 3, 2007*.

It will be open to the parties to file the same paper books before the Commission which have been filed before us for purposes of hearings before the Commission.

(A.A. Khan)
Technical Member

(Anil Dev Singh)
Chairperson