

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

**Appeal No 45 of 2011 &**  
**IA. Nos. 56 & 196 of 2011**

**Dated :5<sup>th</sup> September, 2011**

**Present:       Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson**  
**Hon'ble Mr. V.J. Talwar, Technical Member**

**M/s Shah Alloy Limited**

**... Appellant(s)**

**Versus**

**State Load Dispatch Centre & Ors.**

**....Respondent(s)**

**Counsel for the Appellant(s):       Mr. Vinod Kumar Shah (Rep.) for**  
**Mr. Nikhil Goel**

**Counsel for the Respondent(s):     Mr. Anand K. Ganesan &**  
**Ms. Swapna Seshadri for R.1**

**ORDER**

We have heard the learned counsel for the Appellant as well as Respondent. As stated by the learned counsel for the Appellant in the last hearing that he would file the undertaking affidavit, he has filed the same on 02.09.2011. The contents of the affidavit are as follows:

**“The captioned appeal was listed before this Hon'ble Tribunal on 30.08.2011. On this date, the learned counsel appearing for respondent No.1 SLDC had assured this Hon'ble Tribunal that subject to the appellant undertaking that the**

**electricity drawal, at any given point in time shall not exceed 30 MW, open access shall be granted to them.**

**Accordingly, as was also undertaken before the State Electricity Regulatory Commission, the Appellant undertakes that at any given point of time, the drawal of electricity at the Appellant's unit shall not exceed 30 MW. The Appellant also submits that it further undertakes to continue to pay all minimum contract charges and other statutory charges, as applicable."**

In view of the undertaking, the Appellant is directed to continue to pay all minimum contract charges and other statutory charges, as applicable and the Respondent No.1-SLDC is directed to grant open access to the Appellant.

With the above observations, the Appeal is disposed of. No order as to costs.

**( V.J. Talwar )  
Technical Member**

**(Justice M. KarpagaVinayagam )  
Chairperson**

**TS/KS**