

Appeals No. 79/09 and 80/09 – common orders

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

APPEAL No. 79 OF 2009
I. A. NO. 173 & 174 OF 2009

APPEAL No. 80 OF 2009
I. A. NO. 175 & 176 OF 2009

Dated: 6th May, 2009

Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member

Tamil Nadu Electricity Board ... Appellant(s)
Versus

Neyveli Lignite Corporation Ltd. & Anr. .. Respondent(s)

Counsel for the Appellant(s) : Mr. P.H. Parekh, Sr. Adv., Mr. Sameer Parekh
Mr. E.R. Kumar, MR. Subhanshu Padhi,
Mr. Akshat Jain, MS. Mehak Bhalla, Mr. Ashish Vaid
Counsel for the Respondent (s) : Mr. R. Chandrachud

ORDER

Heard Mr. P.H. Parekh, the learned Senior Counsel appearing for the Appellant and Mr. R. Chandrachud, the learned Counsel appearing for the Neyveli Lignite Corporation Ltd..

Mr. P. H. Parekh, the learned Senior Counsel appearing for the Appellant has made his submissions with regard to the merits of the Appeals as well as the Applications for the condonation of delay. However, at the end he wanted the permission to withdraw these Appeals and Applications to condone the delay to enable him to approach the Central Commission for filing Review Petitions as against the impugned orders in these Appeals.

Mr. R. Chandrachud, the learned Counsel appearing for the Neyveli Lignite Corporation Ltd. would submit that he does not want to stand in the way of withdrawal of these Appeals and Applications to condone the delay, but this Tribunal may not give any liberty to the Appellants to file the Review Petition before the Commission, in view

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of the fact that the Review Petitions before the Commission at this length of time are not maintainable.

Taking into consideration of the submissions made by the learned Senior Counsel for the Appellant as well as the learned Counsel for the Respondent, we permit the learned Senior Counsel for the Appellant to withdraw all these Appeals and Applications to condone the delay and accordingly the same are dismissed as withdrawn.

We make it clear that we are not expressing any opinion with reference to the maintainability of the said Review Petitions that may be filed by the Appellants before the Commission.

(A.A. Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson