

Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction )

Appeal No. 93 of 2008  
IA No. 177 of 09

Dated 30<sup>th</sup> September, 2010

Present:- Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. Rakesh Nath, Technical Member

U.P. Power Corporation Limited. ...Appellants  
Versus  
U.P. Electricity Regulatory Commission & Ors ...Respondents

Counsel for the Appellant(s) Mr. D.S. Chopra

Counsel for the respondent (S): Mr. Sanjay Singh

**ORDER**

Both the learned Counsel for the parties are present.

On behalf of the Appellant an application has been filed requesting for recall of the order dated 24.09.2010 imposing cost of Rs. 20,000/- The learned Counsel for the Appellant tenders apology for not being present and states that adjournment was sought through a representative. Actual reason for not being present and asking for adjournment on the earlier date was that there was a proposal for withdrawal of the Appeal, subject to the approval of the Board of Directors. This was not informed on the last date, since the approval was not obtained then. Now it is informed that Board of Directors have approved the proposal to withdraw the Appeal.

Accordingly, the learned Counsel for Appellant has filed another application and affidavit requesting for permission to withdraw the Appeal.

We have heard the learned Counsel for the Commission also.

In view of the explanation given by the learned Counsel for the Appellant in the form of affidavit, which we accept, the order passed by the Tribunal dated 24.09 2010 is recalled and permission is given to the Appellant to withdraw the Appeal.

Accordingly, the Appeal is dismissed as withdrawn.

**( Rakesh Nath )**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**

**KS /JS**