

Court-II

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

Appeal No. 115 of 2013

Dated: 16th October, 2015

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:-

**Western Electricity Supply Co. of
Orissa Ltd.**

.... Appellant(s)

Versus

**Orissa Electricity Regulatory
Commission & Ors.**

... Respondent (s)

Counsel for the Appellant(s) : Ms. Malvika Prasad

Counsel for the Respondent(s) : Mr. Raj Kumar Mehta,
Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R- 2.

Mr. P.C. Sen,
Mr. Rutwik Panda &
Ms. Anshu Malik for R-1

ORDER

Today the Appeal is taken up and we perused the previous order sheet dated 11th September, 2015 on which date the learned counsel for the appellant submitted that despite his making all out efforts, he had neither received any instructions from the appellant/WESCO nor the appellant is responding to e-mails etc. sent by him. Learned counsel wanted some time to move an application seeking his discharge from this Appeal for which he was granted two weeks time and the matter was fixed for today.

We may mention that license of the appellant/distribution licensee has already been terminated against which an Appeal is pending in another

Bench of this Appellate Tribunal with which we have no concern and we are not hearing any Appeal against the termination of license of the appellant.

There is an application moved by the learned counsel for the appellant seeking therein appropriate directions from this Tribunal in view of the developments pertaining to the revocation of the license of the distribution licensee/appellant.

The admitted fact is that the license of the appellant/distribution licensee has already been terminated by the State Commission which is under challenge before this Tribunal in some other Appeal.

This Tribunal is not in a position to give any direction to the appellant/distribution licensee whether to continue or withdraw the present Appeal.

Since the present appeal is of the year 2013, we deem it proper not to postpone the same because there is no application on behalf of the appellant seeking adjournment.

In view of the foregoing reasons, the instant Appeal is hereby dismissed in the presence of the learned counsel for the appellant, Mr. P.C. Sen, learned counsel for the respondent no.1 and Mr. R.K. Mehta, learned counsel for the respondent no.2. We are giving a concession to the appellant by not imposing any costs while dismissing the Appeal.

(I.J. Kapoor)
Technical Member
rkt

(Justice Surendra Kumar)
Judicial Member