

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No.79 of 2012

Dated : 17th October , 2012

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

Teesta Urja Ltd. Appellant (s)

Versus

**Sikkim State Electricity Regulatory Commission
& Anr. ...Respondent (s)**

Counsel for the Appellant(s): Mr. Parag Tripathy, Sr. Adv.
Ms. Pratibha Jain

Counsel for Respondent (s): Mr. M.S. Ananth
Mr. Brijender Chahar, Sr. Adv. With
Mr. K. R. Anand &
Mr. Vivek Gupta for R.2

ORDER

The Order impugned shows that the same has been passed appointing the Arbitrator to go into the issues even without hearing the Respondent. As such, the Order, in our view, is not legal, and consequently, the same is set aside.

We have already given sufficient time for settlement of the matter as requested by the parties. At last, today, the learned Senior counsel for the Appellant and the learned Senior counsel for the Respondent are now reporting that the matter has been settled. This statement of both the learned counsel is recorded.

With these observations, the Appeal is allowed.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/mk