

Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)  
Appeal No. 50 of 2006

Dated : 29<sup>th</sup> January, 2007

Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson  
Hon'ble Mr. A.A. Khan, Technical Member

U.P. Power Corporation Ltd.,  
V/s.

-Appellant

Union of India Ltd & Ors.,

-Respondents

Counsel for Appellant : Mr. Pradeep Misra

Counsel for Respondents : Mr. M.G. Ramachandran with  
Mr. Anand K. Ganesan

**ORDER**

This appeal is directed against the order of the Central Electricity Regulatory Commission (for short 'CERC') dated December 21, 2000 in Petition No. 4, 31, 32, 34, 85, 86 & 88 of 2000.

The Electricity Regulatory Commission Act 1998 (for short "ERC Act") came into force on April 25, 1998. As per the ERC Act, the Commission was required to determine the tariff of the central generating stations.

By order dated December 21, 2000, the CERC laid down financial and operational norms for determination of tariff w.e.f. April 1, 2001 to March 31, 2004. This order of the appellant has been challenged in the instant appeal.

On March 26, 2001, the CERC, under section 58 of the ERC Act, notified the regulations effective for the period 2001-2004.

The challenge to the norms framed by the CERC has been rendered infructuous since the regulations have come into force w.e.f. April 1, 2001. After the regulations are framed, the non statutory norms lose their efficacy and utility. In this view of the matter the challenge to the impugned order is academic in nature. The appellant, in the garb of impugning the norms, is in fact challenging the regulations of 2001, this cannot be permitted.

In the circumstances, the appeal fails and is hereby dismissed.

(A.A.Khan)  
Technical Member

(Anil Dev Singh)  
Chairperson