

Appellate Tribunal for Electricity  
Appellate Jurisdiction

**Appeal No.70 of 2006 & IA 50 of 2006**

Present - **Hon'ble Mr Justice Anil Dev Singh - Chairperson**  
**Hon'ble Mr A.A. Khan – Technical Member**

**M/s Regency Aqua Electro & Motel Resorts Ltd.**

**Appellant**

**Versus**

**Uttranchal Power Corporation Ltd.**

**Respondent**

Counsel for the Appellant : Mr. Vijay Hansaria, Mr. Pramod Dayal  
& Ms Sneha Kalita,

Counsel for the Respondent : Mr. M.G. Ramachandran, Ms Saumaya Sharma  
& Ms Taruna Baghel.

**Dated 23<sup>rd</sup> May, 2006**

**Order**

The learned senior counsel, Mr. Vijay Hansaria, points out that the impugned tariff Order for the period 2005-06 was operative only up to March 31, 2006, and therefore, it will not be worthwhile to pursue the appeal. He states that the pleas and contentions raised in the instant appeal and such other pleas and contentions as are available to the appellant in law should be considered by the Uttaranchal Electricity Regulatory Commission, for determining the tariff of the appellant for the year 2006-07. The learned senior counsel in view of the stand taken by him and on the instruction of his client wishes to withdraw the appeal.

Having regard to the candid statement of the learned senior counsel for the appellant we dismiss the appeal as withdrawn, but with a direction to the Uttaranchal Electricity Regulatory Commission that the Regulatory Commission shall consider all the pleas and contentions of the appellant as are permissible in law while determining tariff for the year 2006-07. Before the Uttaranchal Electricity Regulatory Commission, the appellant will be at liberty to select any of the options, which may be available to it as per the orders of the Regulatory Commission including the order ON APPROACH TO INITIAL TARIFF FOR NEW HYDRO GENERATING STATIONS WITH CAPACITY OF 1-25 MW, DATED 10.11.2005, or on the basis of the actual admissible cost of the appellant in accordance with the provisions of the Electricity Act 2003. In case the appellant files application for interim relief in the tariff application for the year 2006-07 for determining interim tariff, pending the disposal of the tariff application, the interim application shall be considered by the Regulatory Commission and decided within a period of one month from filing of the same.

**(Mr. A.A. Khan)**  
Technical Member

**( Mr. Justice Anil Dev Singh )**  
Chairperson

Dated: 23<sup>rd</sup> May, 2006.