

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

**Appeal 89 of 2010**

**Dated :12<sup>th</sup> January, 2011**

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson**  
**Hon'ble Mr. V.J. Talwar, Technical Member**

**Sukhbir Agro Energy Limited ... Appellant(s)**

**Versus**

**UPPCL & Ors. ...Respondent(s)**

Counsel for the Appellant(s): Mr. Abhishek Puri, Mr. K. Swadeep

Counsel for the Respondent(s): Mr. Kunal Verma for UPERC

**ORDER**

Learned counsel for the Appellant requests that in light of the judgment of Hon'ble Supreme Court in PTC vs. CERC reported as 2010 ELR SC 269 holding that the regulations cannot be challenged before this Tribunal he may be permitted to withdraw this Appeal as he intends to approach the appropriate forum for doing the same.

We have heard the learned counsel for the Commission and other Respondents.

In view of the statement made by the learned counsel for the Appellant the appeal is dismissed as withdrawn.

**( V.J. Talwar )**  
**Technical Member**

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

ZA/KS