

**BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**Appellate Jurisdiction, New Delhi**

Appeal No. 115 of 2009  
I.A. No. 217 of 2009

**Dated : 9<sup>th</sup> July, 2009**

Coram: **Hon'ble Mr. Justice M.Karpaga Vinayagam, Chairperson**  
**Hon'ble Mr. A. A. Khan, Technical Member**

Him Urja Pvt. Ltd. ... Appellant(s)

Versus

Uttrakhand Electricity Regulatory  
Commission ...Respondent(s)

For the Appellant(s) : Mr. M.G.Ramachandran, Adv.  
Mr. Anand K. Ganeshan, Adv.  
Ms. Swapna Seshadri, Adv.

For the Respondents : None

**ORDER**

Admittedly, the impugned order dated 10.6.2009 passed by the Commission, which has been challenged before this Tribunal through this Appeal questioning the jurisdiction of the Commission is an interim order. As a matter of fact, after the receipt of the said order dated 10.06.2009, the Appellant filed an Application on 02.07.2009 giving information sought for by the Commission and raising the point of jurisdiction of the Commission and also praying for vacating the said interim order. The same is still pending.

Without pursuing the said Application before the Commission, the Appellant has rushed to this Tribunal to file the Appeal seeking for the very same relief.

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We are not inclined to entertain this Appeal for the reason that these issues have to be addressed before the Commission in the pending application.

Mr. MG Ramachandran, learned counsel for the Appellant submits that in view of the urgency for getting the interim orders, the Appellant has approached this Tribunal. Whatever it is, we are not inclined to pass any interim order on the basis of the request made by the learned counsel for the Appellant because the very same request has been made before the Commission through the application which was filed on 2.7.2009 and the same is pending. We do not want to pass any interim order as we feel that Appeal itself is not maintainable.

Therefore, the Appellant is directed to approach the Commission and explain the urgency of the matter and then request the Commission to pass the necessary orders.

With these observations the Appeal is dismissed.

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

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