

**COURT-II**  
**Before the Appellate Tribunal for Electricity**  
**(Appellate Jurisdiction)**

**Appeal No. 268 of 2015 & IA-433 of 2015**

**Dated: 26<sup>th</sup> February, 2016**

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member**  
**Hon'ble Mr. T. Munikrishnaiah, Technical Member**

**In the matter of:-**

**Surat Municipal Corporation** ..... **Appellant (s)**  
**Versus**  
**Gujarat Electricity Regulatory Commission & Anr.** ..... **Respondent (s)**

Counsel for the Appellant(s) : Mr. I J Desai,  
Mr. Ankit Swarup  
Ms. Tanya Swarup

Counsel for the Respondent(s) : Ms. Suparna Srivastava  
Mr. S R Pandey for GERC/R-1  
  
Mr. H.S. Jaggi  
Ms. Deepa Chawan  
Mr. Neves Kumar for R-2

**ORDER**

The learned counsel for the State Commission as well as for the respondent, M/s Torrent Power candidly admit that the M/s Torrent Power approached the State Commission with inclusion of Article 5 to the already approved model of PPA and Article 5 had not been approved by the State Commission before passing the impugned order only because there was no prayer before the State Commission for approval of Article 5 of the PPA. The learned counsel for the respondents may file in writing this fact within a week.

Post this matter for remaining arguments on **5<sup>th</sup> April, 2016.**

**(T. Munikrishnaiah)**  
**Technical Member**

**(Justice Surendra Kumar)**  
**Judicial Member**

kt/jp