

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

**IA No. 398 of 2015 In Appeal No. 245 of 2015**

**Dated : 12<sup>th</sup> January, 2016**

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

**In the matter of:**

<b>The Tata Power Company Limited (D)</b>	....	<b>Appellant(s)</b>
<b>Versus</b>		
<b>Maharashtra Electricity Regulatory Commission</b>	....	<b>Respondent(s)</b>

Counsel for the Appellant (s) : Mr. Amit Kapur  
Mr. Vishal anand  
Ms. Nishtha Kumar

Counsel for the Respondent (s) : Mr. Buddy A. Ranganadhan &  
Mr. Raghu Vamsy

**O R D E R**

The learned counsel for the appellant in compliance of our earlier order has today filed rejoinder affidavit. Let copy of the same be furnished to the respondents today itself. I.A. No. 398 of 2015 has already been fixed for hearing along with the Appeal. By virtue of this I.A. appellant wants the stay of the impugned order to the extent of cross subsidy surcharge. The main point in this I.A., as raised by the appellant's counsel, is that the computation of cross subsidy charge has been altered without any notice to the parties. This aspect of the matter whether notice has been given or hearing has been made, in the above absence of notice, the alternation of cross subsidy surcharge is unilateral, we think it proper at this stage that the same should be decided at the time of pronouncement of final judgment in this Appeal because at the interim stage giving such type of finding is likely to ultimately

affect the outcome of the Appeal. Hence, the said IA shall be disposed of along with the judgment of the Appeal.

Post this Appeal for hearing on 12<sup>th</sup> February, 2016.

**( T. Munikrishnaiah )**  
**Technical Member**  
hc/rkt

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