

COURT - I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NOS. 668 AND 674 OF 2016 IN APPEAL NO. 119 OF 2016
AND
IA NO. 572 OF 2016 IN APPEAL NO. 277 OF 2016**

Dated: 30th January, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of :

IA Nos. 668 and 674 of 2016 in A.No. 119 of 2016

Adani Power Rajasthan Ltd. ...Appellant(s)

Vs.

Rajasthan Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Soli Sorabjee
Mr. Amit Kapur
Mr. S. Venkatesh
Mr. Varun Singh
Mr. Shashank Khurana
Mr. Pratyush Singh
Mr. N. Bhattacharya

Counsel for the Respondent(s) : Mr. Raj Kumar Mehta
Mr. Abhishek Upadhyay
Ms. Himanshi Andley for R.1

Mr. Anand K. Ganesan
Mrs. Swapna Seshadri for R.2 to 4

IA No. 572 of 2016 in A.No. 277 of 2016

Jaipur Vidyut Vitran Nigam Ltd. & Ors. ...Appellant(s)

Vs.

M/s Adani Power Rajasthan Ltd. & Anr. ...Respondent(s)

Counsel for the Appellant(s) : -

Counsel for the Respondent(s) : Mr. Soli Sorabjee
Mr. Amit Kapur
Ms. Aziha Zaid
Ms. Nishtha Kumar for R.1

Mr. R. K. Mehta
Mr. Abhishek Upadhyay
Ms. Himanshi Andley for R.2

Ms. M. R. K. Rao
Mr. Rahul Chouhan
Mr. H. Rangwala

Mr. Venkatesh
Mr. Pratyush Singh
Mr. Shashank Khurana
Mr. Natabrata

ORDER

Learned counsel for the appellant states that the appellant has not quantified the following five claims before the Rajasthan Electricity Regulatory Commission (**the State Commission**).

- “1. Increase in Minimum Alternate Tax;
2. Change in Service Tax Rate;
3. CG ParyavaranUpkar;
4. CG VikasUpkar; and
5. Restriction of Ash Content in Coal to 34%”

It is submitted that the State Commission has not adjudicated the above claims. Counsel states that the impact has arisen thereafter. Counsel, therefore, states that the appellant would like to approach the

State Commission with regard to the above five claims. Counsel further states that the appellant would not press these five claims in the instant appeal. We accept this statement. The appellant may, if it so desires, approach the State Commission. If the appellant approaches the State Commission, the State Commission may deal with the above claims independently and in accordance with law. We make it clear that we have expressed no opinion on the above five claims.

List the main appeals for further hearing on **01.02.2017 at 2.30 p.m.**

(I. J. Kapoor)
Technical Member

ts/sh

(Justice Ranjana P. Desai)
Chairperson