

COURT-II

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

Appeal Nos. 142 of 2015, 143 of 2015, 145 of 2015

Dated: 23rd November, 2015

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

In the matter of:

**Torrent Power Ltd.Appellant(s)
Versus
Gujarat Electricity Regulatory Commission Respondent(s)**

Counsel for the Appellant (s) : Ms. Deepa Chawan,
Mr. H. S. Jaggi &
Mr. Ravindra Chile

Counsel for the Respondent (s) : Mr. C.K. Rai with
Mr. S.R. Pandey (Rep)

ORDER

Ms. Deepa Chawan, learned counsel for the appellant in Appeal Nos. 142 of 2015, 143 of 2015 & 145 of 2015 has been heard at length. She has finished her arguments in this batch of Appeals.

Mr. C.K. Rai, learned counsel for the respondent/State Commission in each of these Appeals has also been heard.

Appellant in the present batch of Appeals, namely, Torrent Power Ltd. is before this Tribunal against the impugned orders of the State Commission. Admittedly, the principles for determination of 'disallowance of revenue gap approved for the earlier period' and 'treatment of bad debts' which are, inter alia, the issues of the instant batch of Appeals, said to have been laid down in the judgment dated 6th May, 2015 passed in Appeal Nos. 150 of 2014 & 151 of 2014 by this Appellate Tribunal.

According to the learned counsel for the parties, the said principles need to be applied to the issues involved in the present batch of Appeals also. So far as third issue involved in the present batch of Appeals is concerned, the learned counsel for the State Commission submits that even after treatment being given, if there remains some revenue gap, the State Commission may consider the same at the stage of truing up subject to prudence check. Ms. Deepa Chawan, learned counsel for the appellant candidly submits that though there is no mention regarding the fact 'consideration of the revenue gap, if any, at the stage of truing up'. However, she has addressed arguments on that issue also. According to her, if the State Commission agrees to consider the revenue gap, if any, at the truing up stage, she has no objection for that. At this stage, Mr. C.K. Rai, learned counsel for the respondent/State Commission, prays for and is granted permission to seek instructions in this regard from the State Commission.

In the meantime, learned counsel for both the parties are directed to file their respective written submissions and exchange copy thereof with each other.

Post this batch of Appeals for consideration of the stand to be taken by the State Commission on **11th December, 2015.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

rkt/vg