

Court-II

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

Appeal No. 177 of 2015

Dated: 29th October, 2015

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:-

Barmer Lignite Mining Co. Ltd.	Versus	...Appellant(s)
Jaipur Vidyut Vitran Nigam Ltd. & Ors.		...Respondent(s)

Counsel for the Appellant(s) : Mr. Ramji Srinivasan, Sr. Adv.,
Mr. Ramanuj Kumar &
Mr. Rahul Kumar

Counsel for the Respondent(s) : Mr. P.N. Bhandari
Mr. R.K. Mehta,
Mr. Abhishek Upadhyay &
Ms. Himanshi Andley for R-2
Ms. Anushree Bardhan for R-4.

ORDER

Mr. Ramji Srinivasan, learned Sr. Advocate has been heard at length in this Appeal. This is an Appeal against some interim orders passed by the Rajasthan Electricity Regulatory Commission. Thus, the main petitions are pending before the Rajasthan State Commission for final decision. It has been brought to our notice that Rajasthan State Commission has been proceeding on the basis of interim orders so far as tariffs are concerned. We do not want to make an adverse remarks against the Rajasthan State Commission but remind the Commission of its responsibilities as provided

under the Electricity Act, 2003. Nothing can be continued on the basis of some interim orders. After all, there should finality to every dispute.

Arguments addressed on behalf of the appellant, though not concluded today. Mr. R.K. Mehta, learned counsel appearing on behalf of the State Commission is directed to give in writing, after consultation with the State Commission, as to how much time it requires for deciding the impugned petitions finally because the practice of proceeding on the basis of interim orders for tariff or ad hoc tariff or provisional tariff should not be allowed to be prolonged indefinitely. We, however, grant two weeks' time from today to Mr. R.K. Mehta, learned counsel for the State Commission to intimate this Tribunal in writing about this aspect of the matter. The main difficulty being faced by the appellant in this Appeal is that because of increase in statutory levies, the appellant, who is a Mining Contractor, is not in a position to meet out the financial difficulty because the appellant is not getting even the increased statutory levies because of the ad hoc/provisional tariff. The State Commission is further reminded that the FY 2015-16 is going to be completed after 5 months and the exercise for tariff determination for the FY 2015-16, the process must have been started. The State Commission is still to decide the final tariff for the past FY 2014-15 referring to proceed with the interim arrangements.

Keeping in view the urgency of this matter, all the parties are directed to file and exchange their respective Written Submissions with one another at least three days before the next date of hearing fixed in the matter so as to decide the Appeal efficaciously and effectively.

Post this Appeal for filing the required information from the State Commission and for further arguments of the parties on **19th November, 2015**.

(I.J. Kapoor)
Technical Member
rkt/vg

(Justice Surendra Kumar)
Judicial Member