

COURT-II

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

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

Dated: 11th December, 2015

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

In the matter of:-

Appeal No.142 of 2015

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

Appeal No.143 of 2015

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

Appeal No.145 of 2015

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

**Counsel for the Appellant(s) : Ms. Deepa Chawan
Mr. H.S. Jaggi**

**Counsel for the Respondent(s) : Mr. C.K. Rai &
Mr. Paramhans &
Mr. Sanjay Anada (Rep) for GERC**

ORDER

This batch of Appeals consist of Appeal Nos. 142 of 2015, 143 of 2015 & 145 of 2015 relating to different areas of the same appellant. Thus, in all these three Appeals, the following are the three common issues:-

- (I) Disallowance of Revenue Gap approved for the earlier period.
- (II) Erroneous Treatment of Bad Debts.
- (III) Non-consideration of the approved Revenue Gap for Tariff Revision.

GERC in its submission has stated as under:-

“3. At the outset it is submitted that Issue No. I & II are covered by this Hon’ble Tribunal’s judgment passed in Appeal No. 150 of 2014 & 151 of 2014 in the case of Torrent Power Ltd. Vs. Gujarat Electricity Regulatory Commission. Hence similar order in the same line may be passed by this Hon’ble Tribunal on the above two issues.

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Hence, instead of addressing the entire gap, some amount has been left out advising the licensee to be more efficient thereby preventing consumers from tariff shock. However, it is to mention that in spite of licensee’s endeavour to operate more efficiently, if there is any gap remains, it shall be duly taken care at the time of truing up of FY 2015-16, subject to prudence check.”

The learned counsel for the parties agree to the aforesaid situation. We accordingly hereunder answer these issues:-

Issue Nos. I & II are covered by the judgment of this Appellate Tribunal in Appeal Nos. 150 of 2014 and 151 of 2014, hence these issues are accordingly decided in terms of the said judgment and the said ratio will govern the field.

On Issue No. III, the learned counsel for the State Commission fairly admits that instead of addressing the entire gap, some amount has been left out advising the licensee /appellant to be more efficient thereby preventing consumers from tariff shock. The learned counsel for the State Commission submits that the Commission shall consider the gap at the time of truing up for FY 2015-16 subject to prudence check. Thus, Issue No.III is also decided in terms of relying upon the assurance of the State Commission that the State

Commission shall consider the said gap at the time of truing up of FY 2015-16 subject to prudence check.

In view of above observations, this batch of Appeals is hereby decided.
No order as to costs.

(T. Munikrishnaiah)
Technical Member
rkt/vt

(Justice Surendra Kumar)
Judicial Member