

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

**Appeal No. 262 of 2006
(In A.F.R No. 1272 of 2006)**

Dated: 22nd November, 2006

**Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson
 Hon'ble Mr. A.A. Khan, Technical Member**

Delhi Transco Ltd. & Anr.	...Appellants
Versus	
Govt. of India & Ors.	...Respondents

Counsel for the Appellants:	Mr. Pradeep Misra with Mr. Manoj Kr. sharma
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Counsel for the Respondents:	Mr. M. G. Ramachandran with Mr. Anand K. Ganesan for NTPC
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ORDER

In this appeal the appellant, *inter alia*, challenges levy of Development Surcharge of 5%, in respect of Central Government owned generating companies, and 10%, in respect of Central Government owned transmission companies under Regulation 3.8 and Regulation 4.10 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations 2001, respectively, and imposition of tax on income from core activity of the generating company and transmission utility, if any, to be computed as an expense and recoverable by the generating company and transmission utility from the beneficiaries under Regulation 3.7 and Regulation 4.5 thereof, respectively.

In Neyveli Lignite Corporation Ltd. Vs. Tamil Nadu Electricity Board and Others (Appeal nos. 114 and 115 of 2005), We have already taken a view that this Tribunal does not have jurisdiction to determine the question relating to the validity of the Regulations.

In the circumstances, therefore, the appeal is dismissed.

(Mr. A. A. Khan)
Technical Member

(Mr. Justice Anil Dev Singh)
Chairperson

Dated: 22nd November, 2006