

**Court-I**

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

**Appeal No. 121 of 2016 &  
IA No. 273 of 2016**

**Dated: 16<sup>th</sup> May, 2016**

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

**In the matter of:-**

**Torrent Power Ltd.**

**...Appellant(s)**

**Versus**

**Gujarat Electricity Regulatory Commission & Anr.**

**...Respondent(s)**

Counsel for the Appellant(s)

:

Mr. Ramji Srinivasan, Sr. Adv.  
Mr. H.S. Jaggi

Counsel for the Respondent(s)

:

Mr. Sanjay Sen, Sr. Adv.  
Mr. Hemant Singh for R.1

**ORDER**

The appellant has challenged Orders, dated 22.04.2016 and 30.04.2016, passed by the Gujarat State Electricity Regulatory Commission (**State Commission**) on the Review Petition filed by Respondent No.2.

The appellant's main contention is that review petition itself was not maintainable and therefore interim order directing that Regulatory Charge shall not be recovered could not have been passed by the State

Commission. The appellant has also, inter alia, contended that the State Commission has granted the interim order of stay without considering the relevant facts and legal principles. The impugned orders are assailed also on the grounds that they are non speaking and that they contain no reasons.

We have heard Mr. Ramji Srinivasan, learned senior counsel for the appellant; Mr. Sanjay Sen, learned senior counsel appearing for the State Commission and Mr. M.G. Ramachandran, learned counsel appearing for the Government of Gujarat. We are informed by Mr. Sanjay Sen that the Government of Gujarat has filed a separate review petition seeking review of the same orders and seeking investigation. We are also informed that there are connected petitions also.

Though Mr. Ramji Srinivasan, learned senior counsel for the appellant has strenuously contended that the State Commission has fallen in grave error in directing that the Regulatory Charge shall not be recovered, since the impugned orders are interim orders and the State Commission has fixed the hearing on 18.05.2016, we are not inclined to interfere with them at this stage. We, however, expect the State

Commission to dispose of the petitions on 18.05.2016 finally and pass speaking order within ten days thereafter. We make it clear that we have not expressed any opinion on the contentions raised by the parties.

The appeal is disposed of in the afore-stated terms at the stage of admission.

**(I.J. Kapoor)**  
**Technical Member**  
ts/dk

**(Justice Ranjana P. Desai)**  
**Chairperson**