

BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY
Appellate Jurisdiction, New Delhi

Appeal No. 39 of 2007

Dated : 2nd July, 2007

Coram : Hon'ble Mr. A. A. Khan, Technical Member
Hon'ble Mrs. Justice Manju Goel, Judicial Member

Tehri Hydro Development Corporation Ltd. ... Appellant(s)
Versus
Central Electricity Regulatory Commission & Ors. ... Respondent(s)

For the Appellant(s) : Mr. M.G. Ramachandran with
Mr. Anand K. Ganeshan, Advs.
For the Respondent(s) : Mr. Pradeep Misra, Adv. for Resp. 2,
Mr. P. Singh, Adv., Mr. V.K. Gupta, Consultant &
Mr. T.P.S. Bawa, OSDIC for PSEB
Mr. S.C. Anand, Joint Chief, CERC
Mr. T. Rout, Jt. Chief (Legal) , CERC
Mr. Devendra Saluja, A.C.(E), CERC
Mr. R.K. Arora, SE/HPGCL, (Haryana)

ORDER

Mr. M.G. Ramachandran, advocate, on behalf of the appellant, states that in para 7 of the impugned order passed on 28th December, 2006 in petition no. 63 of 2006, the CERC accepts that the tariff approved is an interim measure but at the same time makes a restriction that there shall not be any computation of secondary energy and capacity index for the period up to 31.03.2007. He further states that two decisions in the same order are mutually contradictory.

The representative of CERC, Mr. S.C. Anand, Joint Chief, clarifies that the impugned order is provisional and as and when the final order determining the tariff by the Commission is made, the same will be made effective from the dates on which the various units of the project were declared commercially operational.

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We understand that the Commission which is in the process of determining the final tariff will consider all the relevant contentions of the parties involved. The appellant states that he is satisfied with the clarification given by the Commission.

The appeal is disposed of.

(Mrs. Justice Manju Goel)
Judicial Member

(Mr. A. A. Khan)
Technical Member

Dated : 2nd July, 2007