



an Intra-State line namely, 'STU line' as contended by the Appellant and rejected the contention of Respondent Nos. 1 and 2 that it was an Inter-State transmission system.

In the impugned order, CERC after analysing and concluding the opinion at Para 32 (b) states that the decision of CERC dated 04.05.2018 shall operate prospectively. Para 32 (b) reads as under:

*“(b) The Petitioner, in the Second prayer, has sought direction to set aside the bills raised by CTU since the month of July, 2011 to the extent the claim related to ISTS Charges and Losses for the 400 KV IGSPTS-Daulatabad Transmission Line. In our view, POSOCO and CTU were raising the bills on the basis of the premise that the subject transmission line is connected to ISGS and therefore, Haryana is a deemed LTA holder corresponding to its share in IGSPTS. After considering the hardship faced by Haryana and in the light of the decision of the Commission in Petition No.20/MP/2017, relief is being granted to the Petitioners exempting them from payment of ISTS charges and losses. In our view, the decision shall operate prospectively.”*

Though the contention of the Appellant-Discom was appreciated, considering the hardship faced by Haryana especially in light of the earlier decision of CERC in Petition No. 20/MP/2017, it holds that the said

decision would apply prospectively. But this opinion that the decision shall operate prospectively is not supported by any reasoning.

In that view of the matter, we are of the opinion that the Appeal deserves to be remanded to CERC with regard to only the last sentence of prospective application of decision of CERC. Therefore, we direct CERC to look into the matter and hear both the parties in accordance with law whether such benefit could be granted with retrospective effect. Both the parties are at liberty to argue before CERC on this aspect. The said exercise shall be completed within three months from the date of copy of this order.

With the above observations, the instant Appeal is disposed of.

**(S. D. Dubey)**  
**Technical Member**

*tpd*

**(Justice Manjula Chellur)**  
**Chairperson**