

**COURT-II**

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

**Appeal No. 146 of 2015**

**Dated: 14<sup>th</sup> March, 2016**

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

**In the matter of:-**

**State Load Despatch Centre ... Appellant(s)  
Versus  
Gujarat Electricity Regulatory Commission & Ors. ... Respondent(s)**

Counsel for the Appellant(s) : Mr. M. G. Ramachandran and  
Ms.Ranjitha Ramachandran  
Counsel for the Respondent(s) : Mr. Matrugupta Misra, Mr. Tabrez  
Malawat, Advs. Along with  
Mr. S.R.Pandey, Legal Advisor, GERC

**J U D G M E N T**

This is an appeal filed under Section 111 of the Electricity Act, 2003, against the Impugned Order dated 31.03.2015, passed by the Gujarat Electricity Regulatory Commission (hereinafter referred to as the '**State Commission**') in Petition No.1462 of 2014 for true up of financials for the FY 2013-14 and determination of fees and charges for the FY 2015-16.

- 2) We have heard Ms. Ranjitha Ramachandran for the appellant and Mr.Matrugupta Misra for Gujarat Electricity Regulatory Commission, Respondent No.1. We have gone through the Impugned Order and material available on record.
- 3) The Impugned Order has been challenged on the following four aspects:
  - a) Consideration of Scheduling Charges and Application charges as a part of revenues for adjustment as Income from other sources,
  - b) Calculation of Approved Annual Revenue Requirement for the FY 2015-16 as per Order dated 29.04.2014 as against the revised amounts approved in Order dated 07.11.2014 in Review Petition,

- c) Non-consideration of Prior period expenses in the True-up for FY 2013-14 in the Income from Other Sources, and
- d) Consideration of Capitalization for the FY 2013-14.
- 4) Disposal of Issue No.(a) :
- 4.1) It is admitted by the learned counsel for the parties that Issue No.(a), relating to consideration of scheduling charges and application charges as a part of revenue for adjustment as income from other sources is fully covered by judgment dated 30.11.2015, passed by this Appellate Tribunal in Appeal No.33 of 2015, in the matter of *Gujarat State Load Dispatch Centre Vs Gujarat Electricity Regulatory Commission & Anr.*. As per the judgment of this Appellate Tribunal, this issue has been decided in favor of the appellant and accordingly, the matter is decided in favor of the appellant.
- 4.2) Issue No.(b): On this issue relating to calculation of revenue requirements, the State Commission in its written submission has accepted that there is an error apparent and that some necessary rectification shall be done through true up exercise for the FY 2015-16. Hence, there is no dispute between the parties so far as this Issue No.(b) is concerned. This issue is accordingly allowed in favor of the appellant.
- 4.3) Issue No.(c): On this issue, relating to non-consideration of prior period expenses in the true up for FY 2013-14 in the income from other sources, the State Commission, who is a respondent herein, has submitted that necessary rectification shall be done during the true up exercise during FY 2015-16. Both the parties agree to the situation that the same shall be considered in the true up for the FY 2015-16 thus this issue is decided in favor of the appellant.
- 4.4) Issue No.(d) : This issue has been not pressed by the appellant saying that the appellant is not wishing to press this issue. Since the issue is not pressed the State Commission's order on this issue is hereby affirmed.

### **ORDER**

The instant appeal is partly allowed, to the extent indicated above, and the Impugned Order is set aside with the relevant direction to the State

Commission to consider the same at appropriate time namely, while truing up for the FY 2015-16.

No order as to costs.

**( T. Munikrishnaiah )**  
**Technical Member**

**( Justice Surendra Kumar )**  
**Judicial Member**

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