

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)**

**REVIEW PETITION NO.20 OF 2016**

**IN**

**APPEAL NO.108 OF 2013,**

**171 AND 172 OF 2014**

**AND**

**149 OF 2015**

**Dated: 10<sup>th</sup> November, 2016**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. T. Munikrishnaiah, Technical Member.**

**In the matter of:**

**Gujarat Energy Transmission  
Corp. Ltd.**

... Review Petitioner(s)/  
(Original Appellant)

**Vs.**

**Gujarat Electricity Regulatory  
Commission & Ors**

... Respondents

Counsel for the Appellant(s)

: Mr. M.G.Ramachandran  
Ms. Ranjitha Ramchandran  
Ms. Anushree Bardhan  
Mr. Shubham Arya

Counsel for the Respondent(s)

: Ms. Suparna Srivastava

**ORDER**

**PER HON'BLE MR. T. MUNIKRISHNAIAH, TECHNICAL MEMBER:**

1. The present review petition is filed by the Review Petitioner/Original Appellant under Section 122 of the Electricity Act, 2003, read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908, seeking review of the common order dated 21/07/2016 passed by this Tribunal in Appeal Nos.108 of 2013, 149 of 2015, 171 of 2014 and 172 of 2014.

2. The Review Petitioner had raised 12 issues in the above appeals. According to the Review Petitioner during the hearing of the above appeals, in the note submitted by the Gujarat Electricity Regulatory Commission ("**the State Commission**"), the State Commission has accepted the Review Petitioner's contention about five issues and stated that the same would be corrected in the next true-up. The said issues are as under:

- (a) *Consideration of normative approved O&M expenses; (Appeal No.149 of 2015)*
- (b) *Incentive for achieving target availability; (Appeal No.149 of 2015)*

- (c) *Determination of Transmission tariff in Rs./MW/day:(Appeal No.149 of 2015)*
- (d) *Apparent error in the impugned order of the State Commission in regard to the opening balance of normative loan to be considered for the FY 2013-14. (Appeal No.171 of 2014)*
- (e) *Computation error dealing with the quantum of other income; (AppealNo.172 of 2014)*

**3.** It is contended by the Review Petitioner that this Tribunal, while passing the judgment dated 21/07/2016 in the above appeals, has not considered the said issues though the Review Petitioner's contention about them was accepted by the State Commission in its note dated 30/05/2016 submitted in this Tribunal. Ms. Suparna Srivastava learned counsel for the State Commission has confirmed this position.

**4.** Having heard the learned counsel and having perused the note submitted by the State Commission we are of the opinion that there is an error apparent on the face of record which needs to be rectified by reviewing the order dated 21/07/2016 to the above extent.

5. In the circumstances we modify the order dated 21/07/2016. Since the State Commission has accepted the Review Petitioner's contention with regard to five issues mentioned in paragraph 2 hereinabove, we direct the State Commission to consider and correct them in the next true-up.

6. The Review Petition is allowed to the above extent.

7. Pronounced in the open court on this **10<sup>th</sup> day of November, 2016.**

**[T.Munikrishnaiah]**  
**Technical Member**

**[Justice Ranjana P. Desai]**  
**Chairperson**