

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 98 of 2012 &
I.A. No. 196 of 2012

Dated : 21st September, 2012

Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

Raj West Power Ltd. & Anr.

.... Appellant (s)

Versus

**Rajasthan Electricity Regulatory
Commission & Ors.**

...Respondent (s)

Counsel for the Appellant(s):

Mr. M.G. Ramachandran

Mr. Anand K. Ganesan

Ms. Swapna Seshadri

Counsel for the Respondent(s):

Mr. R.K. Mehta

Mr. David A,

Mr. Antaryami Upadhyay for R.1

ORDER

This is an Appeal challenging the impugned Order dated 2.4.2012 fixing the adhoc tariff in respect of unit Nos. I to IV.

We have heard the learned counsel for the parties.

On the last date of hearing, we have asked the learned counsel for the State Commission to give the details of the time frame within which the fixation of the final provisional tariff could be done in the matter.

Accordingly, now the learned counsel for the Commission has filed a Memo giving the details of the time frame, which reads as follows:

“5. The petitioner has furnished the information as desired by the Commission on 12.09.2012 in respect of tariff for FY 12-13 of Units I to IV. The tariff petitions of these units for FY 11-12 and 12-13 are to be determined together as decided in hearing held on 24.07.2012 on account of the fact that the capital cost upto COD and most of the tariff related issues in the two petitions would be common.

“6. The public notice already stand issued on 19.09.2012 (Copy enclosed as Annexure-A). The Commission would be according top priority to the matter and endeavor to determine the fixed component of tariff as per the following time frame:

S.No.	Activity	Expected time
1.	Comments of stakeholders from the date of publication of notice.	4 Weeks
2.	Reply of objections	2 Weeks
3.	Hearings & Furnishing of additional information, if required.	4 Weeks
4.	Analysis and finalization of order	4 Weeks
	Total	14 Weeks

“7. However, above schedule is subject to furnishing of complete information as and when required by the Commission and cooperation of all concerned.

“8. For Unit-V to VIII the Commission would also endeavor to follow the same time frame for determination of fixed component of provisional tariff, as public notice for these Units has also been published on 19.09.2012 (copy enclosed as Annexure-B). Commission is already in the process of announcing adhoc tariff for these units.

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“10. However, the fixed component of lignite transfer price in respect of supply to all the eight units would also be determined to the extent possible after following a similar process.”

We have heard Mr. M.G. Ramachandran, the learned counsel for the Appellant also on the above details.

Accordingly, the time of 14 weeks is granted to finish the process of fixing the final provisional tariff. In the meantime, the

Commission may consider fixing the adhoc tariff in respect of Unit nos. V to VIII after giving full opportunity to the Appellant.

The learned counsel for the Appellant submits that the adhoc tariff fixed for Units I to IV is inadequate and requests for issuing a direction to the Commission to re-consider the tariff rate. However, Mr. R.K. Mehta, the learned counsel for the Commission submits that the said rate is sufficient and it is not inadequate as claimed by the learned counsel for the Appellant.

However, we deem it appropriate to direct the State Commission to re-consider the rate uninfluenced by the earlier finding, by taking into consideration of the submissions of the Appellant as well as the materials placed by the Appellant and fix adhoc tariff in respect of Units I to VIII in the meantime. However, we make it clear that we are not expressing any opinion on the merits of the matter.

With these observations, the Appeal is disposed of in the light of the Memo of undertaking filed by the learned counsel for the State Commission. The State Commission is directed to continue the process, which has already been commenced and finish the same within the time frame as specified in the Memo after giving

opportunity to the all concerned. The Appellant is also directed to cooperate with the State Commission by promptly furnishing all the information sought for by the State Commission to enable the State Commission to complete the process for fixation of final provisional tariff within the time frame as indicated above.

(Rakesh Nath)
Technical Member
ts/sm

(Justice M. Karpaga Vinayagam)
Chairperson