

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

Review Petition No. 08 of 2012 in Appeal No. 163 of 2010

Dated: 12th July, 2012

**Present : Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice P.S. Datta, Judicial Member**

In the matter of:

Mawana Sugars Ltd. Appellant (s)

Versus

**Punjab State Electricity
Regulatory Commission & Anr. Respondent(s)**

Counsel for the Appellant (s) : Mr. Sanjay Sen
Ms. Surbhi Sharma

Counsel for the Respondent (s) : Mr. Sakesh Kumar
Ms. Swapna Sheshadri &
Mr. Anand K. Ganesan for PSPCL

ORDER

Heard the learned counsel for the parties. Similar Review Petition being No. 03 of 2012 on almost similar issue relating to withdrawal of rebate for HT consumers was dismissed on 30th May, 2012. Learned counsel for the appellant stated that he is not pressing the review for the reason that similar review petition had been dismissed earlier but he submitted that this Tribunal may give directions to the State Commission for determination of voltage-wise cost of supply within a time frame as the withdrawal of HT rebate and determination of cost of supply should go hand in hand. It should not happen that the rebate is allowed to be withdrawn but at the same time the tariff is not

determined on the basis of the cost of supply as directed by the Tribunal in its various judgments from the year 2006 onwards. Learned counsel for the distribution company/respondent no.2 pointed out that a Consultant has already been appointed to carry out the exercise of determining voltage-wise cost of supply and some data has already been compiled and furnished to the Consultant in this regard. This Tribunal in its various judgments from the year 2006 onwards has given directions regarding determination of voltage-wise cost of supply. However, the exercise is yet to be concluded.

We see substance in the point raised by the learned counsel for the appellant that the State Commission should be directed by the Tribunal to complete the study for determination of voltage-wise cost of supply so that the same could be utilized for determination of tariff in the subsequent tariff orders. This Tribunal in its judgment dated 30th May, 2011 in **Appeal No. 01 of 2010 tilted Tata Steels Ltd. Vs. Orissa State Electricity Regulatory Commission and others** has given detailed directions regarding determination of voltage-wise cost of supply. Accordingly, we direct the Punjab State Electricity Regulatory Commission to ensure completion of the exercise of determination of voltage-wise cost of supply by the end of November, 2012.

Subject to above observations, the Review Petition is dismissed. No costs.

(Justice P.S. Datta)
Judicial Member
rkt

(Rakesh Nath)
Technical Member