

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

Appeal No. 101 of 2011

Dated: 19th July, 2012

**Present : Hon'ble Mr. Justice P.S. Datta, Judicial Member
Hon'ble Mr. V. J. Talwar, Technical Member**

In the matter of:

Bihar Industries Association

... Appellant (s)

Versus

Bihar Pradesh Electricity Regulatory Commission & Anr. ... Respondent (s)

Counsel for the Appellant (s) : Ms. Swapna Seshadri

**Counsel for the Respondent (s) : Mr. M.D. Samuel Haque for R-1.
Mr. Mohit Kr. Shah & Ms. Shilpi Shah
for BSEB**

ORDER

Learned Advocate for the appellant, Mrs. Swapna Seshadri submits that the points raised in Appeal No.101 of 2011 stand decided and covered in a combined judgment in a batch of appeals being nos. 14 of 2011, 26 of 2011 and 27 of 2011 and our attention has been drawn to paragraph 18.10 of the said judgment where this Tribunal directed the Commission to complete the exercise of determination of cross-subsidy based on cost of supply at different voltage levels within six months from the date of the order i.e. 10th May, 2012 and ensure that in future orders beginning from FY 2013-14, the cross-subsidies and tariffs are determined on the principles laid down by this Tribunal in the Tata Steel judgment. Learned advocate for the Commission submits that pursuant to the judgment of this Tribunal, the Commission has already undertaken an exercise by a suo moto proceeding for determination of cost of supply at different

voltage levels and the learned advocate for the Bihar Electricity Board submits that some data have been furnished to the Commission by the Board in this connection. Learned counsel for the appellant submits that the time limit framed in the aforesaid batch of three appeals should be adhered to by the Commission and we should reiterate this time limit in our order.

Accordingly, upon hearing the learned counsel for the parties, we order that this Appeal No.101 of 2011 stands disposed of with reiteration of the directions contained in paragraph 18.10 as made in the judgment of the aforesaid batch of appeals. No cost.

(V.J. Talwar)
Technical Member

(P.S. Datta)
Judicial Member

pr