

**COURT – I**

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

**Appeal No.189 of 2011**  
**& IA No.89 of 2012**

**Dated : 17<sup>th</sup> July, 2012**

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

**The Tata Power Company Ltd. ... Appellant(s)**

**Versus**

**Jharkhand State Electricity Regulatory Commission & Ors. ....Respondent(s)**

**Counsel for the Appellant(s): Mr. Amit Kapur**  
**Mr. Apoorva Misra with**  
**Mr. Aweek Chaterjee**  
**Mr. Tarun Negi (Reps.)**

**Counsel for the Respondent(s): Mr. C.K. Rai for R-1**

**ORDER**

Earlier we have directed the Appellant to file an affidavit with regard to the monthly recovery of availability based incentive on the basis of the information received.

Now the affidavit has been filed by the Appellant. It is stated by the Appellant that his grievance with respect to monthly recovery of availability based incentive has been adequately

resolved in the tariff Order for the financial year 2011-12 and as such, that issue is resolved.

Now the learned counsel for the Appellant is seeking relief with respect to other two issues. In respect of those issues, already arguments have been heard and the written submissions have been filed by the respective parties.

***Judgment is Reserved.***

**(Rakesh Nath)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**

**ts/vs**