

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

APPEAL No. 55 of 2014 &
I.A. No. 99 of 2014

Dated : 25th July, 2014

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

Talwandi Saho Power Ltd. ... Appellant(s)

Versus

Punjab State Electricity Regulatory Commission & Ors.
... Respondent(s)

Counsel for the Appellant(s) : Mr. Sujit Ghosh
Mr. Vivek Sharma

Counsel for the Respondent(s): Mr. M.G. Ramachandran
Mr. Anand K. Ganesan for PSPCL
Ms. Shikha Ohri for PSERC

ORDER

The same issue raised in this Appeal has been raised in another Appeal No. 29 of 2013 , which has been decided by the Judgment dated 30.06.2014, whereby we have remanded the matter to the State Commission for fresh consideration on that issue.

After hearing the learned counsel for the parties, we feel that the Order passed in Appeal No. 29 of 2013 directing for remand to the State Commission for fresh consideration, would apply to the present case

also. The relevant direction given in Appeal No. 29 of 2013 at Para No. 105 (ii) of Page 55 is as follows:

“We find that the State Commission has not analysed the question as to whether the benefits under the Foreign Trade Policy were available to the Appellant as on the cut off date (2.10.2009) which were subsequently withdrawn by the Govt. of India by clarification/notification and whether this would amount to ‘Change in Law’ under Article 13 of the PPA. Accordingly, we remand the second issue regarding ‘Change in Law’ with respect to benefits under Foreign Trade Policy to the State Commission for fresh consideration and decide the same in accordance with the law in the light of the submissions made by both the parties without being influenced by its earlier decision.”

In the light of the above direction, this Appeal is also disposed of with the similar directions. Accordingly, we remand the matter regarding the Change in Law with respect to the benefits under Foreign Trade Policy to the State Commission for fresh consideration. The State Commission shall give priority to this matter and dispose of the same as expeditiously as possible after hearing the parties, preferably within a period of two months from today.

(Rakesh Nath)
Technical Member
ts/js

(Justice M. Karpaga Vinayagam)
Chairperson