Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 81 of 2011 & I.A. No. 12 of 2012

Dated: 28th May, 2012

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

In the matter of:

Allain Duhangan Hydro Power Ltd.   ....   **Appellant (s)**

                                        Versus

Everest Power Pvt. Ltd. & Ors.   ….   **Respondent(s)**

Counsel for the Appellant (s)   : Mr. Amit Kapur
                                           Mr. Nitin Kala
                                           Mr. Apoorva Misra

Counsel for the Respondent (s)   :   Mr. Tarun Johri &
                                        Mr. Ankur Gupta for R-1
                                        Er. Sanjay Dewan for R 6 & R 8
                                        Mr. D.P. Sharda for R-8

ORDER

Heard learned counsel for the parties.   We have been informed that the discussions have taken place between the parties and some documents have been exchanged.   But no understanding could be arrived at on any of the five issues identified by this Tribunal in its order dated 3rd May, 2012. The learned counsel for the respondent no.1 submitted that the data relating to capital cost of transmission line furnished by the appellant was inadequate and wanted a detailed break-up of the capital cost as per the formats specified by CERC for determination of tariff for transmission

licensees. Learned counsel for the appellant submitted that the contracts have been awarded on lump-sum basis to various contractors for construction of the different works of the transmission line after following a competitive bidding process and expressed inability to submit the data in the CERC formats. However, they are prepared to furnish the scope of work of each of the contracts awarded, comparative statement of all bids received for the various contracts and the auditors certified account of expenditure under different heads to the respondent no.1. They are directed to furnish the information to the respondent no.1.

Accordingly, we give one more and final opportunity to the parties to discuss and mutually settle the issues.

Post the matter on **6<u>th</u> July, 2012.**

(Justice P.S. Datta)   **(Rakesh Nath)**
Judicial Member   **Technical Member**

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