

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

**IA No.62 of 2011 in Appeal No. 173 of 2010**

**Dated : 04/04.2011**

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

**In the matter of:**

Hooghly Chamber of Commerce  
and Industry & Anr.  
Vs

.....Appellant(s)

West Bengal Electricity Regulatory  
Commission & Anr.

.....Respondent(s)

Counsel for Appellant(s) :Mr. Amit Kapur  
Ms Poonam Verma  
Ms Shymal Sarkar  
Mr. Rajesh Gupta

Counsel for Respondent(s): Mr. Krishnan Venugopal, Sr. Advocate  
With Mr. Sakya Choudhary & Mr.  
Vishal Anand for R-2  
Mr. Prateek Dhar  
Mr. C.K. Rai for R-1

## ORDER

We have heard the Learned Counsel for the parties. Several grounds have been raised in this Appeal. However, we do not propose to go into the merits of the matter and do not incline to express any opinion with regard to merits of those grounds. In view of the fact that both the parties have agreed for the remand of the matter to decide the matter afresh, we deem it appropriate to remand the matter to the State Commission for re-determination of tariff with the following directions:

- 1) The State Commission shall direct West Bengal discom to file composite tariff in accordance with the Tariff Regulations and to publish the same inviting objections and suggestions from the public.
- 2) The State Commission shall give reasonable time to public to file their objections and suggestions.
- 3) State Commission shall consider the pleadings and documents and pass a revised tariff order for West Bengal discom within the stipulated time as prescribed under Section 64 of the Act.

We make it clear that the State Commission is required to follow the procedure contemplated under Section 64 of the Act and

pass the final order in accordance with law by invoking the powers conferred under Section 86 of the Act.

The State Commission is required to deal with the matter and decide the issues by observing the required procedure as expeditiously as possible.

We would like to clarify that it is open to the Discom to place further particulars with reference to the subsequent developments on various claims, and in that event, the State Commission shall follow the procedure and decide the said claim in accordance with law.

Accordingly, the impugned order dated 29.07.2010 passed by the State Commission is set aside and interim order dated 08.03.2011 passed by this Tribunal in pending Appeal is also vacated. With these observations, the Appeals as well as the interlocutory applications are disposed of.

(Rakesh Nath)  
Technical Member

(Justice M. Karpaga Vinayagam)  
Chairperson

SS/rkt