

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 217 of 2013 &
&
Appeal No. 224 of 2013

Dated : 23rd September, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member

Appeal No. 217 of 2013

M/s. Jindal Steel & Power Ltd. ... Appellant(s)
Versus
Chhattisgarh State Electricity
Regulatory Commission & Ors.Respondent(s)

Counsel for the Appellant (s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Hemant Singh

Counsel for the Respondent(s): Ms. Swapna Seshadri for R.1
Ms. Suparna Srivasatava for R-2

Appeal No. 224 of 2013

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Counsel for the Appellant (s) : Mr. Sanjay Sen, Sr. Adv.
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Counsel for the Respondent(s): Ms. Swapna Seshadri for R.1
Ms. Suparna Srivasatava for R-2

ORDER

We have heard the learned counsel for the parties in both the Appeals.

In these Appeals, two issues relating to captive status as well as errors in the computation have been raised.

Ms. Suparna Srivastava, the learned counsel appearing for the distribution licensee has raised the question of maintainability of the Appeals. According to the learned counsel, after filing the Appeal, the Appellant on raising very same issues has filed a Petition before the State Commission for clarification in respect of the Orders relating to the year 2006-2007 passed in Petition No. 14 of 2012 and this act on the part of the Appellant cannot be permitted under law.

However, it is noticed from the impugned Orders and from the submissions made by the learned counsel for the parties that the State Commission has not gone into these two issues in detail in the impugned orders. It is pointed out that the distribution licensee has not been heard in the proceedings resulted in the impugned order in respect of the FY 2007-2008 and FY 2008-2009.

In view of the above, we feel that instead of going into the merits of the issues raised in these Appeals, it would be appropriate to remand these matters to the State Commission to decide those issues afresh. Accordingly, the impugned orders are set aside and the matter is remanded to the State Commission for fresh consideration.

The parties are at liberty to raise these issues and also make their submissions relating to those issues before the State Commission.

The State Commission is directed to consider the submissions relating to these issues to be made by all the parties concerned on merits and decide the issues afresh, uninfluenced by any of the observations made earlier by the State Commission in the impugned orders.

With these directions, both the Appeals are disposed of at the admission stage itself.

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Ts/vs