

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL NO. 223 OF 2019&
IA NO.139 OF 2022**

Dated: **03.02.2022**

Present: **Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

In the matter of:

TORRENT POWER LIMITED

"Samanvay", 600, Tapovan, Ambawadi
Ahmedabad – 380015
Gujarat

[Through its Authorized Representative:

Shri Chetan Bundela]

E mail: chetanbundela@torrentpower.com

.... Appellant(s)

VERSUS

GUJARAT ELECTRICITY REGULATORY COMMISSION

A Commission constituted

[Under the provisions of *Repealed -*

Electricity Regulatory Commissions, 1998

Having its Office at –

6th Floor, GIFT ONE

Road 5C, Zone 5, GIFT City

Gandhinagar – 382355

[Through its Secretary]

E-mail : secretary@gercin.org

.... Respondent(s)

Counsel for the Appellant (s) :

Ms. Deepa Chawan
Ms. Sonali JaitlyBakhshi
Mr. JaiyeshBakhshi
Mr. Arbaaz Hussain
Ms. Tanima Gaur
Ms. Jayshree Dugar
Mr. Gaurav Misra
Mr. Ravi Tyagi
Mr. Pallav Pandey
Mr. Shubanshu Gupta
Mr. Palash Singhai
Mr. Kabir Chhilwar
Mr. Animesh Sinha
Ms. Rini Badoni
Ms. AsthaLumba
Ms. Ananya Misra
Ms. Sanjana Bakshi

Mr. Pragalbh Bhardwaj
Mr. Manmilan Sidhu
Mr. BalkishanLadhania
Mr. OmungRajgupta
Mr. Mayank Mishra
Mr. Gaurav Yashwardhan

Counsel for the Respondent (s) : Mr. Pratik Dhar, Sr. Adv.
Mr. C. K. Rai for R-1

J U D G M E N T(Oral)

PER HON'BLE MR JUSTICE R.K. GAUBA, OFFICIATING CHAIRPERSON

1. This matter has been taken up by video conference mode on account of pandemic conditions, it being not advisable to hold physical hearing.

2. The order under challenge by this appeal was rendered by the Respondent/State Commission on 24.04.2019 in respect of truing up in FY 2017-18, mid-term review of FY 2019-20 and 2020-21 and determination of tariff for FY 2019-20 in respect of the appellant – a distribution licensee. The grudge primarily urged by the appeal concerns the methodology adopted for considering the claim on account of carrying cost.

3. Ms. Deepa Chawan appearing for the appellant submitted that the subject matter at hand is covered by a series of judgments of this tribunal including judgments dated 04.10.2019 & 09.06.2020 in Appeal Nos. 246 of 2017 & 248 of 2017 respectively. The learned senior counsel for the Respondent Commission submitted that there are series of other judgments governing this issue and the matter has to be examined in light of the regulatory framework as in force at the relevant points of time.

4. Mr. Pratik Dhar, learned senior counsel for the Respondent Commission, upon instructions, submitted that the Commission is inclined to revisit the issue if this tribunal were to so allow, subject to the position to be taken by the appellant, the matter to be remitted for the purpose. Ms. Deepa Chawan, advocate, appearing for the appellant agreed to the suggestion.

5. In the foregoing facts and circumstances, with the consent of both parties, we set aside and vacate the impugned order and remit the matter to the State Commission for reconsideration, the fresh order on the subject to be passed after hearing the relevant parties in accordance with law. Since the issue has been lingering for long, we would expect the State Commission to pass its fresh order expeditiously, preferably not later than four months from today.

5. The appeal is disposed of in above terms. The pending application being infructuous is disposed of accordingly.

**PRONOUNCED IN THE VIRTUAL COURT THROUGH VIDEO
CONFERRING ON THIS 03RD DAY OF FEBRUARY 2022.**

(Sandesh Kumar Sharma)
Technical Member

pr/tp

(Justice R.K. Gauba)
Officiating Chairperson