



followed certain principle in the tariff order can make a departure from the same. It is pointed out that a grievance concerning a similar order, as is challenged in the appeal at hand for FY 2015-16, was agitated before this Tribunal by Appeal No.114 of 2018. The said appeal was allowed by judgment dated 18.06.2020 and the order under challenge therein was set aside, with the consent of all sides, with directions that the issue be reconsidered and decided afresh by the State Commission after hearing all sides in accordance with law. We are informed that the remand proceedings are still pending before the State Commission.

2. The issue agitated by the appeal at hand directed against order dated 15.07.2019 in OA No.14/2018 passed by the same State Commission is the same, *albeit* for FY 2016-17. The learned counsel on both sides agree and give their consent to the appeal being allowed and the order dated 15.07.2019 to be set aside and the matter remitted to the State Commission for reconsideration as part of the remand proceedings pending pursuant to directions in the judgment dated 18.06.2020 in Appeal No.114 of 2018. We order accordingly.

3. We notice that the remand proceedings pursuant to the earlier judgment have taken too long to conclude. We would request the State Commission to accord some expedition and decide the issue at the earliest, preferably within three months of today.

4. The appeal is disposed of in above terms.

**Pronounced in open court on this 15<sup>th</sup> Day of November, 2022.**

**(Sandesh Kumar Sharma)**  
Technical Member

*pr/tp*

**(Justice R.K. Gauba)**  
Officiating Chairperson