

COURT-I

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY (Appellate Jurisdiction)

APPEAL NO. 289 OF 2018 & IA NOS. 204 & 523 OF 2019

Dated: 30th September, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

TANGEDCO

.... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. S.Vallinayagam

Counsel for the Respondent(s) : Mr. Vishrov Mukherjee for R-2

Mr. Anup Jain
Ms. S.Rama for R-3

ORDER

In terms of 05.12.2018 order, the claims pertaining to certain change in law was arrived at 70.17 cores, i.e. from October, 2015 to July, 2018. We directed to pay 80 per cent of said claim which happens to amount to Rs. 56.14 crores. So fare from the balance 20 % of the claim if any reconciled or clarifications can be arrived at so far in the final orders. We can adjust or if any excess paid, said amount can be paid in the 20 % balance amount.

What we noticed is even with regard to 80% of the bills raised for change in law, the payments are not made on the ground that clarifications are required/reconciliation required. These clarifications and reconciliation para can be done and adjusted within that balanced 20% of the claim. The appellant Discom shall not postponed payment of

claim to 80% of the bills raised towards change in law on the round of reconciliation or reconsideration / re-verification.

In view of the fact of the matter, outstanding Rs. 5.83 cores be paid to July, 2018 and Rs. 15.69 crores (80% was claimed bills raised) be paid up to July, 2019. Is to be paid by discom Apart from this they shall also be paid the current bills at any rate from Feb, 2019 to till date. Since, Respondents had already issued default notice on 21.09.2019. However, at this stage, respondents council Mr. Vishrov Mukherjee submits that there was oral assurance by Appellant discom to pay by Feb, 2019 monthly consumption charges by Mr. S. Vallinayagam, the appellants' counsel says , he hasn't received any instructions.

List the matter for further hearing on 16.10.2019.

(S.D. Dubey)
Technical Member

Kt/mkj

(Justice Manjula Chellur)
Chairperson