

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

APPEAL No. 96 of 2011

Dated :12th September, 2011

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

East Coast Railway ... Appellant(s)

Versus

O.E.R.C. & Ors.Respondent(s)

Counsel for the Appellant(s): Ms. Geetanjali Mohan
Mr. Ketan Madan

Counsel for the Respondent(s): Mr. Rutwik Panda for R.1
Mr. R.K. Mehta, Mr. David &
Mr. Antaryami Upadhyay for R.2
Mr. Hasan Murtaza for R. 3 to 5

ORDER

We have heard the learned counsel for the parties. We notice that the issue which has been raised in this case has already been decided by this Tribunal by Judgment dated 30.05.2011 in Appeal Nos. 102, 103 & 112 of 2010. The relevant portion of the findings with the direction at Para 41.3 of the Judgment is as follows:

“Accordingly, the State Commission is directed to determine cross subsidy for different categories of consumers within next six months from FY 2010-11 onwards and ensure that in future orders for ARR and tariff of the distribution licensees, cross subsidies for different consumer categories are

determined according to the directions given in this Judgment and that the cross subsidies are reduced gradually as per the provisions of the Act.”

These observations made by this Tribunal in the above paragraph, in our view, would apply to the present case also, which deals with FY 2010-11. Therefore, the State Commission is directed to follow the ratio decided by this Tribunal in the above Judgment and pass suitable Orders within the time frame already fixed by this Tribunal.

With these observations, the Appeal is disposed of. No order as to costs.

**(V.J. Talwar)
Technical Member**

**(Justice M. KarpagaVinayagam)
Chairperson**

TS/KS