APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

Appeal No. 138/09

Dated : 4t May, 2010

Coram: **Hon'ble Mr. H.L. Bajaj, Technical Member**
Hon'ble Mr. Justice P. S. Datta, Judicial Member

In the matter of:
DPSC Ltd. … Appellant

Versus

West Bengal Electricity Regulatory Commission … Respondent(s)

Counsel for the Appellant :Dr.S.Chakraberty, Advocate
Counsel for the Respondent :Mr. Pratik Dhar, Advocate & Mr. C.K. Rai, Advocate

ORDER

Learned Counsel Shri Pratik Dhar appearing for the Respondent Commission states on instructions from the Commission, that through an oversight there has indeed been a difference between the audited figures and the figures taken by them for determination of tariff in respect of the cost to be disallowed appearing at para 2.2.3 in the order of the Commission in case No. FPPCA-28/08-09 dated 27.5.2009. Mr. Chakraberty learned Counsel appearing for the Appellant says that in the appeal there is no other grievance and this was the only grievance which was prayed before the Tribunal.

In view of the above, we set aside the impugned order in respect of Fuel and Power Purchase Cost Adjustment(FPPCA) for the financial year 2007-08, as far as calculation of the cost to be disallowed as per para 2.2.3 is concerned and remand the matter to the Commission for de novo determination of the cost to be disallowed, if any, within a period of six weeks.

Before parting, we place our appreciation on record for the efforts made by both the learned Counsels Dr. S.Chakraberty, Advocate for the Appellant and Mr. Pratik Dhar, Advocate for the Respondent Commission for their efforts for assisting this Tribunal for the disposal of this appeal.

With this, the appeal No. 138 of 2009 stands disposed of.

(Justice P.S. Datta)
Judicial Member

(H.L. Bajaj)
Technical Member