

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**Appeal No.145 of 2007 &
I.A. No.182 of 2007**

Dated : April 9, 2008

**Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson
Hon'ble Mr. H.L. Bajaj, Technical Member**

**The Tata Power Co. Ltd. ... Appellant (s)
Versus
MERC & 2 Others ... Respondent (s)**

Counsel for the Appellant (s) : Mr. Sitesh Mukherjee, Mr. Vishal Anand,
& Mr. Sakya Singha Choudhary

Counsel for the Respondent(s) : Mr. Ramji Srinivasan, Sr. Adv., with
Mr. Krishan Kumar for BEST
Mr. J.J. Bhat, Sr. Adv., with
Ms. Anjali Chandurkar &
Ms. Smieetaa Inna for REL
Mr. Buddy A. Ranganadhan &
Mr. Arijit Maitra for MERC- Resp.1

ORDER

The learned counsel for the appellant does not press the relief claimed in paras (a) & (b) of the prayer clause. Insofar relief claimed in para (c) of the prayer clause is concerned, the controversy is covered by decision rendered by this Tribunal in Appeal No.70 of 2007, dated September 19, 2007.

Accordingly, impugned orders dated April 23, 2007 and April 30, 2007 to the extent they have not permitted truing up of the shortfall in revenue due to the applicability of MYT tariff from May 1, 2007 instead of April 1, 2007 are set aside and the matter is remitted to the MERC for appropriate orders, in the light of the decision rendered by this Tribunal in Appeal No.70 of 2007.

**(H.L. Bajaj)
Technical Member**

**(Anil Dev Singh)
Chairperson**