

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

**Appeal No. 138 of 2010**

**Dated : 24.03.2011**

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

**In the matter of:**

J.S.L.

...Appellant(s)

Vs

Dakshin Haryana Bijli Vitran  
Nigam Ltd. & Anr.

...Respondents

Counsel for Appellant(s) : Mr. Kumar Saurabh, Advocate

Counsel for Respondent(s):Mr. Anand K. Ganesan, Advocate  
for HERC.

Mr. M.R. Baskar, Advocate for  
Respondent No.1.

**ORDER**

We have heard Counsel for the parties.

The Appellant filed an Application before the Commission  
praying for the declaration that the Appellant is entitled for

rebate from the date of introduction of the FSA i.e. December, 2006 on which month the benefit accrued.

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Though this plea was contested by the Licensee, the Respondent herein, stating that this rebate would apply only from the date of issuance of circular dated 5.11.2008, the Commission thought it fit to hold that the Appellant is entitled to the rebate not from the date of circular but from the date of its earlier order dated 20.12.2007.

Aggrieved over this finding with reference to the date from which the Appellant is entitled to get the rebate, this Appeal has been filed contending that the Appellant is entitled for the Rebate from December 2006.

The only question that arises for consideration is that whether the Appellant is entitled to this rebate either from the date of the earlier order dated 20.12.2007 or from December 2006?

On going through the impugned order it is clear that the Commission has held that the Appellant is entitled for the

rebate but this was applicable only from the date of the earlier order dated 20.12.2007 since this issue has already been

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decided in the said matter filed by another party. This ground, in our view, is not a valid one. We are only concerned with the question whether the appellant is entitled for the rebate from the date when the benefit accrued.

On going through the records, it is seen that the benefit accrued from December 2006 on which month the FSA was introduced and therefore we are of the view that the Appellant is entitled to rebate from December 2006. Accordingly, we set aside the order impugned remanding the matter to the Commission to decide the matter afresh in the light of our findings after hearing the parties concerned including the consumers similarly placed.

With this observation, the Appeal and other applications are disposed of.

(V.J.Talwar)  
Technical Member

(Justice M. Karpaga Vinayagam)  
Chairperson

Gb/ss