

been published in the Gazette of India on March 26, 2001. The term relating to return on equity has been incorporated in Regulation 3.5.1 (c) of the Regulations. Therefore, it is only under the Regulation 3.5.1 (c) that the return on equity can be calculated for the purposes of fixation of tariff and not on the basis of the order, dated December 12, 2000. The challenge, therefore, can only be to the validity of the aforesaid Regulation.

In Neyveli Lignite Corporation Ltd. Vs. Tamil Nadu Electricity Board and Others (Appeal nos. 114 and 115 of 2005), We have already taken a view that this Tribunal does not have jurisdiction to determine the question relating to the validity of the Regulations.

In the circumstances, therefore, the appeal is dismissed.

(Mr. A. A. Khan)
Technical Member

(Mr. Justice Anil Dev Singh)
Chairperson

Dated: 22nd November, 2006