

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

Appeal No.75 of 2009

Dated: 16th April, 2010

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

Maharashtra State Electricity Distribution Co. Ltd. ... Appellant (s)
Versus
Maharashtra Electricity Regulatory Commission & Ors. ... Respondent (s)

Counsel for the Appellant (s): Mr. Abishika Mitra & Mr. Aashish Bernard

Counsel for the Respondent (s): Mr. Buddy A. Ranganadhan for MERC

ORDER

MSEDCL is the Appellant herein. This Appeal is as against the order stated 20.06.2008 & 10.12.2008. The Appellant filed an application for approval of Annual Performance Review for the Financial Year 2007-08 and determination of Aggregate Revenue Requirement and tariff for the financial year 2008-09 before the State Commission.

The State Commission passed an order after analyzing the petition for the approval of Annual Performance Review by the order dated 20.06.2008.

On 21.07.2008 the Appellant filed Review Petition with regard to issue of double counting of Additional Supply Charges Revenue for the financial year 2007 -08 in Review case No.42 of 2008.

On 10.12.2008 the State Commission disposed of the Review Petition allowing the same on some counts and disallowing double counting of ASC Revenue in respect of financial year 2007-08. The Appellant has contended that the same was allowed in respect of the financial year 2006-07 but disallowed in respect of the year 2007-08 though reasonings to determine the double counting of ASC revenue for the financial year 2006-07 and financial year 2007-08 were almost the same.

The learned counsel for the Respondent Mr. Buddy A. Ranganadhan has stated that the State Commission had taken a recent decision considering the same in respect of Financial Year 2007-08 in final truing up process.

It is further pointed out by the learned counsel for the State commission, in the final truing up process for financial year 2007-08 audited accounts for financial year 2007-08 after prudence check have been taken into consideration and in the latest Tariff Order for MSEDCL for financial year 2009-10 vide order dated 17.08.2009 the State Commission has redressed the grievance of the Appellant

In view of this statement which is not disputed by the learned counsel for the Appellant, we feel that the Appeal has become infructuous. Accordingly the Appeal is disposed of.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson