

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

Appeal No. 76 of 2008 & I.A. No. 106 of 2008

Dated: November 4, 2008

Present: **Hon'ble Mrs. Justice Manju Goel, Judicial Member**
Hon'ble Mr. H.L. Bajaj, Technical Member

Powergrid Corporation of India Ltd. -Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. -Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran and
Mr. Ramnesh Jerath

Counsel for the Respondent(s) : Mr. M. Debbarma, AGM, TSECL

ORDER

I.A. No. 106 of 2008

1. The delay in filing the appeal is only of 6 days. The application for condonation of delay is not opposed by the respondents. The delay is condoned.

Appeal No. 76 of 2008

1. Heard.

2. The only point in issue in this appeal is whether the Central Electricity Regulatory Commission ('Commission' for short) was right in not applying the Central Electricity Regulatory Commission (Terms & Conditions of Tariff) Regulations, 2004 ('Regulations' for short) for determining transmission tariff for the appellant, Powergrid Corporation of India Ltd. for the period of 1/4/2004 to 31/3/2007 in respect of its ATS of Kopili-Khandong in North Eastern Region.

3. We have already said in our judgment passed today in appeal no. 73 of 2008 that the Commission should have applied the Regulations for this period.

The impugned order has been challenged on various other grounds. However, if the transmission tariff is determined on the basis of Regulations, all the other grounds of challenge will also be taken care of.

4. Accordingly, this appeal is also allowed and the impugned order is set aside and the Commission is directed to re-determine the transmission tariff for the aforesaid period as per the Regulations.

(H.L. Bajaj)
Technical Member

(Manju Goel)
Judicial Member

