

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

APPEAL NO. 146 OF 2016 &
IA NOS. 312, 313 & 314 OF 2016

Dated: 3rd June, 2016

Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member

In the matter of:-

Rajasthan Steel Chambers

...Appellant(s)

Versus

Rajasthan Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s)

:

Mr. Anand K. Ganesan
Ms. Neha Garg

Counsel for the Respondent(s)

:

Mr. R.K. Mehta
Ms. Himanshi Andley for R-1

Ms. Poorva Saigal
Mr. Shubham Arya for R-2 to R-4

ORDER

In this appeal, the appellant has challenged the Order, dated 12.05.2016, passed by the Rajasthan Electricity Regulatory Commission (**State Commission**). The order is challenged, *inter alia*, on the ground that there is breach of principles of natural justice.

We are informed that the said Order, dated 12.05.2016, was carried to the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur (**Rajasthan High Court**) by M/s Ramayana Ispat Pvt. Ltd. and Sunil Healthcare Ltd. being M/s

Ramayana Ispat Private Limited & Ors. v. Rajasthan Electricity Regulatory Commission & Anr. - S.B. Civil Writ Petition No. 7304 of 2016 and Sunil Healthcare Ltd. v. Rajasthan Electricity Regulatory Commission & Anr. - S.B. Civi. Writ Petition No.7326 of 2016 respectively. The challenge raised before the Rajasthan High Court was *inter alia* regarding breach of principles of natural justice. The Rajasthan High Court disposed of the writ petitions by Order, dated 01.06.2016, by passing the following directions:

“In view of the submissions made, I would set aside the order dated 12.05.2016, passed by RERC, Jaipur and remand matter to the RERC, Jaipur with the following directs:

- i) That the RTERC should by way of a public advertisement notify only the objectors before it on the Discoms’ application for levy of additional surcharge under Section 42(4) of the Act of 2003 that the data/information furnished by the Discoms on 04.05.2016 and 06.05.2016 will be available at RERC’s office wherefrom it can be collected by interested parties within 3 days from the publication of the advertisement.***
- ii) That the requisite advertisement be made in two vernacular newspapers and English language newspaper.***
- iii) That the advertisement also notify the date of hearing within one week of the last date for collection of material as per advertisement.***
- iv) That the RERC shall thereafter hear the objectors and pass orders within ten days. The objectors will not be entitled to any adjournment.***
- v) The parties agree that the additional surcharge, if any, determined by RERC would be payable effective the date it was payable under the order dated 12.05.2016.***

- vi) ***This remand order has been occasioned only for reason of violation of principles of natural justice in passing the impugned order dated 12.05.2016 and is not reflective of the merits of the levy of additional surcharge or its quantum.”***

Counsel for the parties are agreed that this appeal should be disposed of in terms of the above order of the Rajasthan High Court.

In the circumstances, we dispose of the present appeal in terms of the Order, dated 01.06.2016, passed by the Rajasthan High Court in M/s Ramayana Ispat Private Limited & Ors. v. Rajasthan Electricity Regulatory Commission & Anr. - S.B. Civil Writ Petition No. 7304 of 2016 and Sunil Healthcare Ltd. v. Rajasthan Electricity Regulatory Commission & Anr. - S.B. Civil Writ Petition No.7326 of 2016 respectively.

(I.J. Kapoor)
Technical Member
ts/dk

(Justice Ranjana P. Desai)
Chairperson