

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

E.P. no. 1 of 2013 in Appeal No. 211 of 2012,
I.A. no. 92 of 2013 in DFR no. 430 of 2013 in Appeal No. 234 of 2012,
I.A. no. 93 of 2013 in DFR-431 of 2013 in Appeal No. 235 of 2012
and
I.A. no. 94 of 2013 in DFR-432 of 2013 in Appeal No. 215 of 2012

Dated : 16th April, 2013

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

E.P. no. 1 of 2013 in
Appeal No. 211 of 2012

Bharti Airtel Ltd.

**...Petitioner/
Appellant(s)**

Versus

**Maharashtra State Electricity Regulatory
Commission & Anr.**

...Respondent(s)

Counsel for the Appellant(s): Mr. Anand K. Ganesan
Ms. Swapna Seshadri

Counsel for the Respondent(s): Mr. Buddy A. Ranganadhan for R-1
Mr. Abhishek Mitra for R-2

I.A. no. 92 of 2013 in DFR no. 430 of 2013
in Appeal No. 234 of 2012

Vodafone India Ltd.

**...Petitioner/
Appellant(s)**

Versus

**Maharashtra Electricity Regulatory
Commission & Anr.**

...Respondent(s)

Counsel for the Appellant(s): Mr. Ramji Srinivasan, Sr. Adv.
Mr. Sandeep Singhi
Mr. Rajeev Kumar

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Counsel for the Respondent(s): Mr. Buddy A. Ranganadhan for R-1
Mr. Abhishek Mitra for R-2

I.A. no. 93 of 2013 in DFR-431 of 2013
in Appeal No. 235 of 2012

Vodafone India Ltd. ...Petitioner/
Appellant(s)

Versus

**Maharashtra Electricity Regulatory
Commission & Anr.** ...Respondent(s)

Counsel for the Appellant(s): Mr. Ramji Srinivasan, Sr. Adv.
Mr. Sandeep Singhi
Mr. Rajeev Kumar

Counsel for the Respondent(s): Mr. Buddy A. Ranganadhan for R-1
Mr. Abhishek Mitra for R-2

I.A.-94 of 2013 in DFR-432 of 2013
in Appeal No. 215 of 2012

Idea Cellular Ltd. ...Petitioner/
Appellant(s)

Versus

**Maharashtra Electricity Regulatory
Commission & Anr.** ...Respondent(s)

Counsel for the Appellant(s): Mr. Ramji Srinivasan, Sr. Adv.
Mr. Sandeep Singhi
Mr. Rajeev Kumar

Counsel for the Respondent(s): Mr. Buddy A. Ranganadhan for R-1
Mr. Abhishek Mitra for R-2

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ORDER

The Learned Counsel for the Respondent no. 2 is filing memo of compliance today giving undertaking that the judgment dated 07.11.2012 of this Tribunal will be implemented.

“In compliance with the Judgment and order dated 7.11.2012 passed by the Hon’ble Tribunal in the aforementioned appeals, the Respondent no.2, Maharashtra State Electricity Distribution Company Limited has issued a circular No. PR-3/COS/10472 dated 15.04.2013 stating, inter-alia, as under:

“In view of the above, considering the advice given by legal counsel, competent authority has directed to levy Industrial tariff to telecom towers w.e.f. 01.08.2012 instead of 7.11.2012, as per APTEL order.

All field offices should implement this decision and refund tariff difference for period of 1.08.2012 to 7.11.2012 to all telecom tower consumers.”

A copy of the above circular is attached hereto as Annexure A.

The Hon’ble Tribunal may dispose of the present petition/applications taking on record the above undertaking of compliance on behalf of Maharashtra State Electricity Distribution Company Limited.”

In view of the above, the undertaking is recorded herein. Accordingly the Respondent no.2 is directed to comply with this undertaking by way of the compliance of our judgment dated 7.11.2012 in letter and spirit. It is further directed to ensure the refund of excess amount within a period of next 2 billing cycles.

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With these observations, E.P. no. 1 of 2013 in Appeal no. 211 of 2013, IA no. 92 of 2012 in Appeal no. 234 of 2012, IA no. 93 of 2013 in Appeal no. 235 of 2012 and IA no. 94 of 2013 in Appeal no. 215 of 2012 are disposed of.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

mk/vt