

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

**Review Petition No. 1/2007 in Appeal. No. 129 of 2006 & Review
Petition No. 2/2007 in Appeal No. 129 of 2006**

Dated: 6th February, 2007

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

Review Petition 1/2007 in Appeal No. 129 of 2006

Gujarat State Electricity Corporation Ltd.

Review Petitioner/Appellant/s

V/s.

Gujarat Electricity Regulatory Commission & Ors.

Respondent/s

For the Review Petitioner /

Appellant/s

: Mr. M.G. Ramachandran, Advocate
with Mr. Anand K. Ganeshan, Advocate
Mr. V.H. Jadav, Advocate for
Respondent No. 2

For the respondents

: Ms Hemantika Wahi, Advocate for Res. No. 1

Review Petition No. 2/2007 in Appeal No. 129 of 2006

Gujarat Electricity Regulatory Commission

Review Petitioner /Appellant/s

V/s.

Gujarat State Electricity Corporation & Ors.

Respondent/s

For the Review Petitioner /

Appellant/s

: Ms. Hemantika Wahi, Advocate

For the respondents

: Mr. M.G. Ramachandran, Advocate
with Mr. Anand K. Ganeshan, Advocate

ORDER

The two Review Petitions being Nos. 1/2007 and 2/2007 are filed by the appellant Gujarat State Electricity Corporation Ltd. and by

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respondents Gujarat Electricity Regulatory Commission and others in Appeal No. 129/06. The Review Petition No. 1/2007 seeks clarification of the judgment of this Tribunal dated 23.11.06, whereby the Appeal No. 129/06 was decided. The Prayer in this petition is for clarification of the operative part of the order, so as to give effect to the judgment from 23.11.06. The Petition No. 2/2007 seeks reconsideration of the decision dated 23.11.06 on the issue of rate of return on equity and of depreciations. Parties have arrived at a mutual settlement and a joint statement duly signed by the counsel of GSEC & GERC is filed today. The parties have agreed that the judgment dated 23.11.06 be given effect to from the date of the judgment . They have also agreed that the appellant would restrict its claim for return on equity to 14% instead of 16% and for depreciation rate to the extent specified in the regulation of the State Commission. Mr. M.G. Ramachandran, learned counsel for the appellant, also makes a statement that the appellant will approach the State Commission for making appropriate arrangement for availability re-scheduling and despatch of the generation and supply of electricity from hydro electric power for optimum use taking account of the release of water by Irrigation Department of the State Government. Mr. V.H. Jadav, Advocate, who appears for Gujarat Urja Vikas Nigam Ltd. (GUVNL), Respondent No. 2, also consents to this agreement.

In view of the joint submission made by the two sides, both the Review Petitions are allowed in terms of the submission as mentioned above. The judgment dated 23.11.06 stands modified accordingly.

(Mrs. Justice Manju Goel)
Judicial Member

(Mr. H.L. Bajaj)
Technical Member