

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

**Appeal No. 67 of 2010 &
I.A. No. 86 of 2010**

Dated: 19th April, 2010

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

Brynihat Industries Association Ltd. ... Appellant (s)
Versus
Meghalaya State Electricity Regulatory Commission & Anr. ... Respondent (s)

Counsel for the Appellant (s) : Mr. M.G. Ramachandran, Mr. Anand K.
Ganesan & Ms. Swapna Seshadri
Counsel for the Respondent (s) : Mr. Saugata Nath Mitra for R.1

ORDER

We have heard the learned counsel for the Appellant as well as the Respondent-Commission.

The learned counsel for the Commission fairly submits that whatever Orders that will be passed in the matter, the same will be obeyed by the Commission.

It is a case where the Impugned Order had been passed by the Commission increasing the tariff that too in the Review Petition without hearing the necessary parties including the Appellant, who was a party to the original proceedings. There is no dispute in the fact that the Review Petition has been entertained,

on the basis of the Application filed by the Meghalaya State Electricity Board and without issuing notice to the parties concerned, as prayed by the Meghalaya State Electricity Board the tariff has been increased. This, in our view, is against the principles of natural justice.

We have issued notice to the Meghalaya State Electricity Board and the affidavit of service has also been filed and nobody entered appearance on their behalf.

Therefore, we deem it appropriate to set aside the Order impugned and remand the matter to the Commission, which in turn, has to hear the parties including the Appellant herein and on the basis of the material placed before the Commission, it shall decide the matter afresh on merits, uninfluenced by any of the findings given by it in the earlier Review Petition.

Accordingly, the Appeal is disposed of.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson