

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 101 of 2008

Dated: 02nd July, '09

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

Menon & Menon Ltd. - Appellant(s)

Versus

Maharashtra State Electricity Distribution Co. Ltd. & Ors - Respondent(s)

Counsel for the Appellant(s) : Mr. B. P. Apte, Sr. Advocate along with
Mr. Bhupender Yadav

Counsel for the Respondent(s) : Mr. Ravi Prakash
Mr. Vikrant Gumare for MSEDCL

ORDER

Heard.

2) The present appeal is against the order dated 06.05.08 in Case No. 96 of 2007, passed by the Maharashtra State Electricity Regulatory Commission, the Commission for short. The Case No. 96 of 2007 was against the tariff order dated 18.05.07. The appellant in Case No. 96 of 2007 sought review of the tariff order, dated 18th May, 2007 so far as it related to the clause No. 7.4(g). It has been brought to our notice that another review petition in respect of the same clause, in the same tariff order, was presented by M/s. Eurotex Industries & Exports Ltd.

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which was dismissed vide an order dated 19th September, 2007 which was impugned before this Tribunal in appeal No. 135 of 2007. The appeal No. 135 of 2007 was disposed of by this Tribunal vide a judgment dated 12th May, 2008. Per direction contained in Paragraph 21 of the judgment the clause 7.4(g) of the tariff order dated 18th May, 2007 was modified by this Tribunal to read as under:

"In the case of consumers whose sanctioned load/contract demand had been duly increased after the billing month of December, 2005 the reference period may be taken as billing period after six months of the increase and the sanctioned load / contract demand OR the billing period after six months in which the consumer has utilized at least the same ratio of energy consumption as percentage of increase contract demand that has been recorded prior to the increase in sanctioned load/contract demand."

3) Our judgment dated 12th May, 2008 has decided all the issues involved in the present appeal. Mr. B. P. Apte, Sr. Advocate appearing for the appellant, says that the appellant be given advantage of the decision of the Tribunal in the judgment dated 12th may, 2008.

4) Mr. Ravi Prakash, Advocate for the respondent No.1 says, without prejudice to the rights of the respondent No.1, that the judgment dated 12.05.08 is generic and governs all concerned.

- :: 3 :: -

5) The present appeal is *disposed of* in terms of paragraph 21 of the judgment dated 12th May, 2008, as quoted above.

(H.L. Bajaj)
Technical Member

(Justice Manju Goel)
Judicial Member