

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)
Appeal No. 142 of 2011**

Dated : 31st October, 2011

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member**

In the matter of:

**M/s J.K. Cement Ltd. Appellant (s)
Versus
Karnataka Electricity Regulatory Commission & Ors. Respondent (s)**

Counsel for the Appellant (s) : Mr. K.N. Bhat, Sr. Adv. with
Mr. Shridhar, Mr. D.S. Bhat &
Mr. G. Joshi

ORDER

The learned Senior Counsel appearing for the Appellant is not pressing ground (a) of the question of law with reference to the claim that the Appellant is a captive generating plant. But, however, he argues on the question of law mentioned in ground (b), which reads as follows:

“Whether the 1st respondent KERC was right in fixing a uniform rate of Rs.5/- per each unit supplied, without considering the actual cost of production and the adverse financial impact on each generating station due to implementation of the Government order issued under Section 11 of the Act?”

So on this question, we admit the Appeal. Issue notice to the Respondents returnable on 02.12.2011. Dasti service is permitted.

Post the matter on **02.12.2011.**

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Ts/ss