## Before the Appellate Tribunal for Electricity

(Appellate Jurisdiction)

## Appeal No. 200 of 2010

Dated: 1st March, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson

Hon'ble Mr. V.J. Talwar, Technical Member

Reliance Infrastructure Limited ... Appellant(s)

Versus

M.E.R.C & Ors. ....Respondent(s)

Counsel for the Appellant(s): Mr. Akhil Sibal, Mr. Shiv K. Suri,

Mr. Hasan Murtaza & Ms. Anusha

Nagarajan

Counsel for the Respondent(s): Mr. Buddy A. Ranganadhan for MERC

Mr. Avijeet Lala & Mr. Vishal Anand

For R.3

## **ORDER**

The learned counsel for the Appellant submits that the Commission could be directed to consider the two important issues relating to the cross-subsidy surcharge and regulatory assets from change over consumers in the tariff proceedings.

We have heard the learned counsel for the respondents including the Commission.

The learned counsel for the Commission would submit that in respect of the regulatory assets, subject to the availability of the material on record, the Commission will decide the same in the tariff proceedings. In respect of cross-subsidy surcharge, it is submitted that there is some proposal to frame Open Access Regulations, 2011 and therefore, this issue may be decided subsequent to framing of the Regulations. Be that as it may, now it is submitted that the petition for ARR 2011 has been admitted and the same is pending before the Commission.

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In the circumstances of the case, we deem it appropriate to direct the Commission to consider the same in the light of the statement made by the learned counsel for the Commission within 120 days either from the date of admission or from today, whichever is earlier.

The Commission may decide the same after hearing all the parties concerned including the other respondents.

With these observations, the Appeal is disposed of.

(V.J. Talwar) Technical Member (Justice M. KarpagaVinayagam ) Chairperson

Ts/ksm

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