

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION AT
GANDHINAGAR**

PETITION NO. 2215 OF 2023

In the matter of:

Filing of Petition under Section 61, 62 read with 64 & 86 (1) (a) of the Electricity Act, 2003, invoking Regulations 58, 72, 80 and 83 of the Gujarat Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 seeking clarification/rectification and review of the Commission's order dated 31st March, 2023 in Case No. 2181 of 2023 for Truing up for FY 2021-22 and Determination of Tariff for FY 2023-24 for its Distribution Business of Dahej Supply Area

Petitioner : Torrent Power Limited

Represented by : Advocate Deepa Chawan,
Advocate Reshmarani Nathani,
Shri Chetan Bundela, Shri Jignesh Langalia,
Ms. Luna Pal and Shri Mihir Thakker
V/s.

Respondent No. 1 : Shri K.K.Bajaj
Represented by : Nobody was present

Respondent No. 2 : Clean Max
Represented by : Nobody was present

CORAM:

Anil Mukim, Chairman
Mehul M. Gandhi, Member
S. R. Pandey, Member

07/12/2024

DAILY ORDER

1. The matter was listed for hearing on 21.11.2024.

2. During the hearing, at the time of called out nobody was present on behalf of the Respondents.
3. Advocate Deepa Chawan, on behalf of the Petitioner submitted that the present Petition filed by the Petitioner seeking clarification / rectification and review of Order dated 31.03.2023 passed by the Commission in Petition No. 2181 of 2023 on issue of denial of carrying cost erroneously.
4. She has further submitted that it is a settled law that all the aspects of and facets of the concept of Carrying cost such as the recognition and applicability for carrying cost in tariff matters under the Electricity Act, 2003 , the various principles which govern the aspect of carrying cost, the entitlement, the methodology, mode and manner of computation of carrying cost and also the applicability and grant of carrying cost have been determined by Hon'ble APTEL and Hon'ble Supreme Court.
5. She has further submitted that the very concept of carrying cost has been finalized and crystallized due to these catenae of judgments. The impugned Order to that extent ignores and infringes the principles laid down in the said judgments. These judgments are binding on all stake holders.
6. She has further submitted that the Commission in its Consequential Order for the Tariff Order in Case No. 1765 of 2018 in compliance to the directives issued by the Hon'ble Appellate Tribunal for Electricity in its judgment dated 03.02.2022 in Appeal No. 223 of 2019 and IA No. 139 of 2022 dtd 01.04.2023 referred the judgement in Appeal Nos. 264 of 2014, 173 of 2015 and 277 of 2015 dated 29.04.2022 in ***Punjab State Power Corporation Ltd.. Vs., Punjab State Electricity Regulatory Commission*** passed by Hon'ble APTEL.
7. She has further submitted that in the afore-said Order dtd. 01.04.2023, the Commission has noted that the Petition No. 1895 of 2020 related to rectification in computation of carrying cost for the FY 2013-14 and FY 2015-16 and the Review Petition No. 1973 of 2021 for the computation of carrying cost for FY 2019-20 are pending.
8. She has further submitted that in the afore-said Order dtd. 01.04.2023, the Commission has decided that all the pending gap and/or carrying cost of previous years in the series

of FY 2013-14, FY 2015-16, FY 2017-18, FY 2019-20 will be considered in ensuing truing up exercise in accordance with the Regulations.

9. She has further submitted that copy of the Review Petition had been provided to the Objectors by the Petitioner for their submissions/replies as per directives given by the Commission in the Daily Order dated 16.10.2023.
10. We have considered the submission made by the Petitioner. We note that the present review petition filed by the Petitioner seeking review of tariff order dated 31.03.2023 in Petition No. 2181 of 2023. The rectification/review is sought on the denial of carrying cost as determined by the Commission. We, therefore, direct the Petitioner to make a detailed submission related to computation of carrying cost, within four weeks from the date of this Order.
11. We also note that Respondents nor any representative on their behalf were not present during the hearing nor had conveyed about their non-availability in spite of notices which had duly been served to them. The parties are at liberty to file their written submissions, if any, within two weeks' time.
12. In the interest of Justice, we decide to provide an opportunity to all the parties to hear the matter.
13. The next date of hearing will be intimated separately.
14. Order accordingly.

-Sd-
S. R. PANDEY
Member

-Sd-
MEHUL M. GANDHI
Member

-Sd-
ANIL MUKIM
Chairman

Place: Gandhinagar
Date: 07/12/2024