

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

**I.A. No.198 of 2007 in Appeal No.69 of 2007**

**Dated : December 20, 2007**

**Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson  
Hon'ble Mr. A.A. Khan, Technical Member**

**Jharkhand State Electricity Regulatory Commission ... Appellant (s)**

**Versus**

**Damodar Valley Corporation & Ors. ... Respondent (s)**

Counsel for the Appellant (s) : Mr. Sudarshan Shrivastava and  
Mr. A.K. Mehta, Sectt. JSERC

Counsel for the Respondent (s) : Mr. Anand K. Ganesan for DVC

**ORDER**

**I.A. No.198 of 2007**

The learned counsel for the applicant-first respondent states that on August 9, 2007, he had stated before us that insofar as DVC is concerned, the State Commission does not have the jurisdiction, in respect of the matter concerning the fuel surcharge, which is a part of the generation tariff.

This statement of the learned counsel for the applicant-first respondent is not disputed by the learned counsel for the appellant. He says that the statement made by the learned counsel for the applicant-first respondent on August 9, 2007, was made in the context of generation tariff.

On hearing the learned counsel for the parties, we consider it appropriate to correct the order, passed by us on August 9, 2007. Accordingly, the order, dated August 9, 2007, shall be read as follows:

"The learned counsel for the respondent No.1 states that the State Commission does not have the jurisdiction to determine the fuel surcharge for generation insofar as the appellant is concerned. In view of this statement, the learned counsel for the appellant states that he does not press the appeal. Accordingly, the appeal is disposed of as not pressed."

The above said correction shall be deemed to have been incorporated in the order with effect from August 9, 2007.

**(A.A. Khan)**  
Technical Member

**(Anil Dev Singh)**  
Chairperson

**Dated: December 20, 2007**