

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.NOs.283, 299 & 1152 of 95.

MES Employees Union & ors.

Bharatiya Pratiraksha Mazdoor Sangh

Shri R.A. Kulkarni & ors.

...Applicants.

v/s

Min. of Defence

...Respondents.


CORAM: Hon'ble Shri M.R. Kolhatkar, Member(A)

TRIBUNAL'S ORDER

Date: 22.8.96

Heard Shri S.P.Saxena/~~H.V.Doo~~ counsel for the
applicants and Shri R.K.Shetty, counsel for the
Respondents.

2. M.P. No.630/96 is for stay of further hearing
of this O.A. pending decision in O.A. 1309/95 pending at
Principal Bench, New Delhi. Earlier, this Tribunal
rejected the T.P. in this case. The grounds in M.P. for

 stay do not appeal to me. The purpose of setting up of CAT
Benches at the seats of High Court is to enable litigants
to seek justice from the nearest seat of Bench of CAT.
The consistency in decisions of various CAT Benches is
ensured through normal channels of reporting. The M.P.
is therefore rejected.

3. After hearing the counsel for both sides
it appears to me that this Tribunal may have to scrutinise
the following aspects :

- a) The principle of All India fixation of
rates v/s. the principle of point of
supply fixation of rates.
- b) The frequency of the ~~revision~~ ^{reversion} - It is stated
that the earlier revision took place in 1987
and the next revision took place from 1992.
Para 916 of the relevant instructions states
that "the rates/charges for water and
Electricity would be reviewed periodically"
but the periodicity has ~~not~~ not been specified.
Respondents to clarify as to what is the rates
periodicity and in particular when were the /
last revised prior to 1987.
- c) The basis of fixation of charges after
calculating All India rates i.e. element of
subsidy allowed - criteria.

4. The respondents have contended that the
All India all inclusive cost per unit of electricity
supplied by MES was 2.16 per unit ~~fixe~~ for the year 1990-91,
as against which the rate notified is Rs.1.80 per unit
which shows a subsidy of Rs.0.36 per unit. However, the
corresponding data relating to water rates have not been

given. The respondents may furnish the same. Secondly, even accepting that there is a subsidy of Rs.0.36 built into the notified rates, whether the subsidy has been unduly depressed to the detriment of the applicants and how it compares with the subsidy provided in the previous revision, i.e. revision prior to 1.1.1987. Similar data ^{for} ~~the~~ water rates be given.

5. Thus the Respondents are required to give information regarding frequency of revision of data and also All India rates of water and electricity prior to the year in which the revision took place in relation to the earlier revision.

6. So far as the applicants are concerned since their stand is that the rates should be related to sources of supply at the point of supply they should also furnish the data relating to rates of M.S.E.B. and W.S.B. in 1987 and in 1992 per unit. The respective parties to file written statements and exchange the same before the next date of hearing.

7. To be treated as part-heard. Put up for final hearing on 24.10.1996. A copy of the order be given to the parties.

Certified True Copy
Date

Section Officer
Central Admin. Tribunal,
Bombay Bench.

NO.CAT/BOM/JUDL/O.A.283, 299 & 1152/95/6370 Date: 5/8/96

Copy to:

1. Shri S.P. Saxena, Counsel for the applicant.
(in O.A.283/95)
2. Shri H.Y. Deo, Counsel for the applicants.
(in O.A.299 & 1152 of 95)
3. Shri R.K. Shetty, Counsel for the respondents.
(in all three cases).

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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After hearing the counsel for both sides it appears to me that this Tribunal may have to scrutinise the following aspects :

- a) The principle of All India fixation of rates v/s. the principle of point of supply fixation of rates.
- b) The frequency of the ~~reversion~~ ^{revision} - It is stated that the earlier revision took place in 1987 and the next revision took place from 1992. Para 916 of the relevant instructions states that "the rates/charges for water and Electricity would be reviewed periodically" but the periodicity has ~~be~~ not been specified. Respondents to clarify as to what is the rates periodicity and in particular when were the last revised prior to 1987.
- c) The basis of fixation of charges after calculating All India rates i.e. element of subsidy allowed - criteria.

4. The respondents have contended that the All India all inclusive cost per unit of electricity supplied by MES was 2.16 per unit ~~xxxx~~ for the year 1990-91, as against which the rate notified is Rs.1.80 per unit which shows a subsidy of Rs.0.36 per unit. However, the corresponding data relating to water rates have not been

given. The respondents may furnish the same.

Secondly, even accepting that there is a subsidy of Rs.0.36 built into the notified rates, whether the subsidy has been unduly depressed to the detriment of the applicants and how it compares with the subsidy provided in the previous revision, i.e. revision prior to 1.1.1987. Similar data ^{for}~~the~~ water rates be given.

5. Thus the Respondents are required to give information regarding frequency of revision of data and also All India rates of water and electricity prior to the year in which the revision took place in relation to the earlier revision.



So far as the applicants are concerned since their stand is that the rates should be related to sources of supply at the point of supply they should also furnish the data relating to rates of M.S.E.B. and M.S.W.S.B. in 1987 and in 1992 per unit. The respective parties to file written statements and exchange the same before the next date of hearing.

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Section Officer
Central Administrative Tribunal,
Bombay Bench.

NO.CAT/BOM/JUDL/O.A.283, 299 & 1152/95/ ^{5/9/96} Date: 5/9/96

Copy to:

6370 to 6371

1. Shri S.P. Saxena, Counsel for the applicant.
(in O.A.283/95)
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7. To be treated as part-heard. Put up for final hearing on 24.10.1996. A copy of the order be given to the parties.

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Despatched on 6/9

Despatched

Section Officer
Central Admin. Tribunal,
Bombay Bench.

NO.CAT/BOM/JLDL/O.A.283, 299 & 1152/95/

Date: 5/8/96

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