BEFORE THE HON'BLE GUJARAT ELECTRICITY REGULATORY COMMISSION AT AHMEDABAD

3rd June, 2002

CORAM : Justice S.D. Dave, Chairman
Shri B.M. Oza, Member
Shri R.K. Sharma, Member

PETIOTIONS NO. 76/2002

ORAL ORDER

This is a petition taken out by the Surat Citizens Council Trust at Surat. The respondent therein happens to be the Surat Electricity Co. Ltd.

2) Clause 2 of the above said petition makes the position too clear to demand elaboration. We would like to reproduce the same hereunder :

> "Charitable Institutions like hospital, dispensary, educational and Research Institute and Hostel attached to such Institution, religious premises exclusively used for worship or community prayers, registered with Charity Commissioner **[**and specifically exempted from levy of general tax under Section 2(13) of Bombay Trust Act, 1950 read with section 9 of The Income Tax Act, 1961" (Emphasis Provided) **]**

3) Learned Counsel Shri I.J. Desai who appears on behalf of the petitioner wanted to have the deletion of the bracketed portion, as the same according to him, creates interpretational complications. .

4) After having argued the petition for some time, learned Counsels Shri I.J. Desai for the petitioner and Shri Kaushik Pujara for the respondent place on record the text of clause which can be substituted for the existing clause in our orders dated 22.1.2002.

5) Looking to the consensus between the Counsels for the renewed text and upon hearing the learned Counsels for the parties we are of the opinion that the substituted text may be incorporated in the original orders.

6) We order accordingly.

7) The text to be placed in our earlier Orders runs thus :-

> "Charitable Institutions like hospital, dispensary, educational and Research Institute and Hostel attached to such Institution, religious premises exclusively used for worship or community prayers, registered with Charity Commissioner under the Bombay Public Trusts Act, 1950 and registered under Section 12A of the Income Tax Act, 1961 and specifically exempted from levy of General Tax under Section 132 of the Bombay Provincial Municipal Corporations Act, 1949".

8) Clause 3.ii of the earlier orders of the Commission dated 22.1.2002 shall stand modified accordingly.

9) Before parting with the proceedings we notice that the proposed text has been signed by the learned Counsels for the parties. The same has also been signed by Shri R.K. Tillan who happens to be working as Vice President (Tech) of the respondent company.

The petition stands disposed of with these orders.

Sd/-	Sd/-	Sd/-
(JUSTICE S.D. DAVE)	**(B.M. OZA)**	**(R.K. SHARMA)**
CHAIRMAN	**MEMBER**	**MEMBER**

Place : Ahmedabad
Date : 3rd June, 2002