

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of adjudication of disputes between MP Power Trading Co. Ltd. and M/s Karamchand Thapar & Bros (C.S.) Ltd.

Petition No. 36 of 2011

DAILY ORDER

(Hearing through video conferencing)

(Date of hearing: 5th October' 2021)

(Date of daily order: 6th October' 2021)

M.P. Power Management Co. Ltd.,

Shakti Bhawan, Rampur, Jabalpur.

(Erstwhile MP Tradeco.)

- **Petitioner**

V/s

M/s Karamchand Thapar & Bros (C.S.) Ltd.

“Thapar House”, 25, Brabourne Road,

Kolkata – 700001

- **Respondent**

Shri Manoj Dubey, Advocate and Shri Jaswant Pasricha appeared on behalf of the petitioner.

Shri Sanjay Sen, Senior Advocate appeared for the Respondent

M.P. Power Trading Company Ltd (now M.P. Power Management Co. Ltd., Jabalpur) filed the subject petition on 16.05.2011 for adjudication of dispute between MP Tradeco and the Respondent with regard to payment of compensation for non off-take of power during the period of 16th July' 2009 to 30th September' 2009 in terms of the Letter of Intent (LoI) issued by the petitioner.

2. The Commission's daily order dated 21.02.2012 in the subject petition was challenged by the Respondent before the Hon'ble Appellate Tribunal for Electricity in Appeal No. 46 of 2012. By an order dated 11.10.2012, the aforesaid Appeal was dismissed by Hon'ble Appellate Tribunal for Electricity. The review petition filed by the respondent before the Hon'ble Appellate Tribunal for Electricity was also dismissed vide order dated 08.02.2013. The Respondent filed a Civil Appeal before the Hon'ble Supreme Court against the aforesaid order passed by the Hon'ble Appellate Tribunal for Electricity. By order dated 01.04.2013, the Hon'ble Supreme Court directed that there shall be stay on further proceedings in the subject petition pending before this Commission. Accordingly, the subject petition was kept pending.

3. Subsequently, vide order dated 21.10.2019 in IA No. 131571/2018 filed in Civil Appeal No. 2247/2013, the Hon'ble Supreme Court directed the following:

“IA No. 131571/2018

Perused the application for direction.

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Let the order be passed by the Madhya Pradesh Electricity Regulatory Commission. However, it may not be given effect to without permission from this Court. The application is disposed of."

In view of the above, the subject petition has again been taken up by the Commission for hearings.

4. At the last hearing held on 07th September' 2021, the Commission observed the following
 - (i) The petitioner by affidavit dated 15th July' 2021 filed rejoinder/ additional submission.
 - (ii) Ld. Counsel who appeared for the Respondent had sought further two weeks' time to file Sur-Rejoinder.
5. Considering the aforesaid request, last opportunity was granted to the Respondent to file Sur-Rejoinder within two weeks. The case was fixed for arguments on 05th October' 2021.
6. At the hearing held on the 05th October' 2021, the Commission observed the following:
 - (i) The Respondent has filed Sur-rejoinder by affidavit dated 21.09.2021.
 - (ii) Ld. Counsels who appeared for both the parties concluded their arguments.
7. As requested, the parties are allowed to file their written submissions within a week. The case is reserved for order. However, the aforesaid order shall be pronounced and be given effect only on permission of the Hon'ble Supreme Court in term of aforesaid directions of Hon'ble Supreme Court in IA No. 131571/2018 in Civil Appeal No. 2247/2013.

(Shashi Bhushan Pathak)
Member

(Mukul Dhariwal)
Member

(S.P.S. Parihar)
Chairman