

**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: 13<sup>th</sup> October' 2020)**

**(Date of daily order: 19<sup>th</sup> October' 2020)**

**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 appeared on behalf of the petitioner.

None 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 MPPMCL and the Respondent with regard to payment of compensation for non-off-take of power during the period of 16<sup>th</sup> July' 2009 to 30<sup>th</sup> 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 passed by the Hon'ble Appellate Tribunal for Electricity. 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 till disposal of the aforesaid Civil Appeal by the Hon'ble Supreme Court.

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.”*

4. In view of the above directions by the Hon'ble Supreme Court, the subject petition has again been taken up by the Commission. The matter was listed for hearing in April'2020. However, it was postponed due to outbreak of COVID 19 and Nation-wide Lockdown.

5. During the course of hearing held on 13.10.2020, the Commission has observed the following:

- (i) None appeared on behalf of the Respondent in this matter.
- (ii) Ld. Counsel for the petitioner submitted a small background in the subject matter.
- (iii) As agreed, the petitioner shall inform the updated address and contact details of the Respondent to the Commission within ten days. Thereafter, the notice be issued by the office of the Commission to the Respondent.

The case is fixed for hearing on **05<sup>th</sup>January' 2021**.

Sd/-

**(Shashi Bhushan Pathak)**  
**Member**

SD/-

**(Mukul Dhariwal)**  
**Member**

Sd/-

**(S.P.S. Parihar)**  
**Chairman**