

**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: 09th March' 2021)

(Date of daily order: 12th March' 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 appeared on behalf of the petitioner.

Ms. Aastha Sharma 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 MPTradeco 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 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."

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 05.01.2021, the petitioner had sought time to file the following:

- (i) Rejoinder on the additional submission filed by the Respondent on 02.01.2021.
- (ii) Written submission/ notes on the issues regarding adjudication by the Commission in this matter on the same issue which are pending before the Hon'ble Supreme Court.

5. Considering the above request, vide Commission's last order, the petitioner was allowed to file rejoinder on the additional submission filed by the Respondent along with its written submission on the issue at Para 4 (ii) above, within 10 days. The Respondent was asked to file its reply to the aforesaid submissions of the petitioner within 10 days thereafter.

6. At the hearing held on 09.03.2021, the Commission has observed the following:

- (i) Vide letter dated 15.01.2021, the petitioner has filed written submission on the issue at Para 4 (ii) above. Ld. Counsel who appeared for the petitioner has sought time for filing rejoinder on the additional submission filed by the Respondent on 02.01.2021.
- (ii) Ld. Counsel who appeared for the Respondent has sought two weeks' time to file reply to above submissions of the petitioner.

7. Considering the request of the parties, the petitioner is directed to file its aforesaid rejoinder within two weeks. The Respondent is directed to file reply to the above submissions of the petitioner within two weeks, thereafter.

The case is fixed for hearing on **11.05. 2021.**

(Shashi Bhushan Pathak)
Member

(Mukul Dhariwal)
Member

(S.P.S. Parihar)
Chairman