

Sub: In the matter of petition under Section 142 and other applicable provisions of the Electricity Act, 2003 and Regulations framed thereunder seeking initiation of proceedings and imposition of penalty and fine against Respondent, MPPMCL for the willful and deliberate non-compliance of the directions and order dated 22.09.2015 passed by the Commission in P.No. 06/2015

ORDER

(Date of hearing: 21st June,2016)

(Date of order: 29th June,2016)

M/s Sterling Agro Industries Ltd.,
11th Floor, Aggarwal Cyber Plaza-II,
Netaji Subhash Place, Pithampura
New Delhi – 110034

- Petitioner

M.P. Power Management Co. Ltd.,
Shakti Bhawan, Rampur, Jabalpur

- Respondent

Shri Avinash Menon, Advocate and Shri Vimal Agarwal, Director of the company appeared on behalf of the petitioner.

2. The petitioner, M/s Sterling Agro Industries Ltd., New Delhi has filed this petition in the matter under Section 142 and other applicable provisions of the Electricity Act, 2003 and Regulations framed thereunder seeking initiation of proceedings and imposition of penalty and fine against Respondent, MPPMCL for the willful and deliberate non-compliance of the directions and order dated 22.09.2015 passed by the Commission in P.No. 06/2015.

3. The case was listed for motion hearing on 21.06.2016. During the motion hearing, the petitioner restated the contents of the petition and sought directions to the respondent to release all the outstanding dues towards principal along with delayed payment surcharge which have become due subsequent to 31.12.2015. The petitioner also stated that a writ petition is also filed before the Hon'ble High Court, Jabalpur.

4. Having heard the petitioner and on considering the written submissions, the Commission has noted that besides this petition, the petitioner has also filed a writ petition no. 9745/2016 before the Hon'ble High Court, Jabalpur and the Commission is one of the respondents. The relief sought under the writ petition is also mainly related to the issue of directions to the respondent M.P. Power Management Co. Ltd. to release all payments towards principal and interest. Since the petitions on similar issues cannot be filed before the Commission and the Hon'ble High Court simultaneously and the orders/directions of the Hon'ble High Court shall prevail, this petition cannot be entertained by the Commission.

5. In view of the above, the petition no. 25 of 2016 is disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman