

Sub: In the matter of petition for removal of parallel operation charges

ORDER

(Date of hearing: 21st June,2016)

(Date of order: 27th June,2016)

M/s Vardhman Yarns,
Plot No.A-1 to A-6, Industrial Area,
Satlapur, Distt. Raisen (M.P.)

- Petitioner

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

- Respondent

None appeared on behalf of the petitioner.

Shri Aashish Barnad, Advocate and Shri Vincent D'Souza, EE(CRA) and Shri Debasish Chakraborty, EE(CRA) appeared on behalf of the respondent.

2. The petitioner, M/s Vardhman Yarns, Satlapur, District Raisen (M.P.) has filed this petition to remove the parallel operation charges on the ground that the petitioner is drawing power from the licensee four to six times only during one year under unavoidable circumstances.

3. The case was listed for motion hearing on 17.09.2013, which was adjourned to 01.10.2013 on the request of the petitioner. During the motion hearing, the petitioner restated the contents of the petition and sought modification of the order dated 31.12.2012 for determination of parallel operation charges. The next date of hearing was fixed for 29.10.2013.

4. During the hearing on 29.10.2013, the respondent had submitted a list of stakeholders who have filed writ petitions before the Hon'ble High Court, Jabalpur challenging the impugned order dated 31.12.2012 passed by the Commission. It was also informed that these writ petitions were admitted by the Hon'ble High Court and the operation of the aforesaid impugned order dated 31.12.2012 was stayed further. Under the above circumstances, the Commission decided to keep the matter pending till the disposal of the writ petitions by the Hon'ble High Court, Jabalpur.

5. By its order dated 23.05.2016, the Hon'ble High Court, Jabalpur decided to dispose of all the eight appeals with the liberty to avail efficacious statutory remedy of appeal under Section 111 of the Electricity Act, 2003. Therefore, the next date of hearing was fixed for 21.06.2016.

6. During the hearing on 21.06.2016, the petitioner was not present. The respondent stated that since the Hon'ble High Court disposed of the writ petitions and the petitioner can

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now approach to the Appellate Tribunal for Electricity for statutory remedy of Appeal against the impugned order dated 31.12.2012.

7. Having heard the petitioner and the respondent and on considering their written submissions, the Commission is of the view that the order dated 31.12.2012 passed by the Commission is applicable to the petitioner. However, in view of the aforesaid order dated 23.05.2016 passed by the Hon'ble High Court, Jabalpur, the petitioner may approach to the Appellate Tribunal for Electricity for statutory remedy of Appeal against the impugned order dated 31.12.2012. Therefore, the instant petition is not maintainable.

8. In view of the above, the petition no. 43 of 2013 is disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman

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The hearing in the matter was held on 21.06.2016. Accordingly, a draft order is placed on the file for kind perusal and approval please.

Director (L&R)

Member (G)

Member (B)

Chairman