

**Sub: In the matter of petition granting relief under Force Majeure condition under the clause 11.10 to 11.11 of the M.P. Electricity Supply Code, 2013 and reduction in contract demand and refund/adjustment of excess additional security deposit amount in terms of Security Deposit Regulations, 2009**

**ORDER**

**(Date of hearing: 22<sup>nd</sup> November,2016)**

**(Date of order: 22<sup>nd</sup> November,2016)**

M/s Spentex Industries Limited, - Petitioner  
Plant at : 51-A, Industrial Area,  
Sector III, Pithampur,  
Distt. Dhar (M.P.)- 454 774

M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., - Respondent  
GPH Compound, Pologround, Indore

Shri R. C. Somani and Shri R.S. Goyal, Consultants appeared on behalf of the petitioner.

2. The petitioner, M/s Spentex Industries Limited, Dhar has filed this petition seeking relief under Force Majeure condition under the clause 11.10 to 11.11 of the M.P. Electricity Supply Code, 2013 and reduction in contract demand and refund/adjustment of excess additional security deposit amount in terms of Security Deposit Regulations, 2009. In its petition, the petitioner prayed for the following reliefs:

- (i) To reduce the present contract demand to 2200 kVA only till the case is decided by the BIFR. The reduction in contract demand may be permitted with immediate effect.
- (ii) To adjust/reduce the amount of additional security deposit amount, based on the consumption of 45 days (instead of 60 days consumption as demanded by the Discom) corresponding to the reduced demand, for which excess security is lying with MPPKVVCL, considering present consumption levels for the period from April, 2016 to date.
- (iii) To direct MPPKVVCL to refund additional security deposit amount, paid in excess of the security deposit applicable in respect of consumption of 45 days, corresponding to the reduced demand, considering present consumption levels for the period from April, 2016 to date.

3. The case was listed for motion hearing today. During the motion hearing, the petitioner restated the contents of the petition.

4. Having heard the petitioner and on considering their written submissions, the Commission noted that the petitioner has already filed a Writ Petition No. 6769/2016 before the Hon'ble High Court bench at Indore on the same issues and the case is listed for hearing

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on 05.01.2017. This fact has not been disclosed by the petitioner in its petition. During the hearing, the petitioner accepted the above facts and apologies for the same.

5. In view of the above, this petition no. 55/2016 cannot be entertained at this stage and thus dismissed.

Ordered accordingly.

Sd/-  
**(Alok Gupta)**  
Member

Sd/-  
**(A.B.Bajpai)**  
Member

Sd/-  
**(Dr. Dev Raj Birdi)**  
Chairman