

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub : In the matter of review of order dated 29.05.2012 passed in Petition No. 34/2012.

Petition No. 50/2012

ORDER

(Date of hearing 31st July, 2012)

(Date of order 1st August, 2012)

M/s Parasrampur International,
Plot No. 423-432
Industrial Area Sector No. III,
Pithampur Dist. Dhar (MP).

- Petitioner

V/s

MP Paschim Kshetra Vidyut Vitaran Co. Ltd.
GPH Compound, Pologround,
Indore (MP).

- Respondent

Shri C.P. Sukhlecha, President and Shri A.N.Pandey, Advocate appeared on behalf of the Petitioner.

2. The petitioner has filed this petition in the matter of review of order dated 29.05.2012 passed in Petition No. 34/2012.

3. The petitioner has sought review of order dated 29.5.2012 passed in petition no. 34/2012 vide which the Commission dismissed the said petition as not maintainable.

The relevant para of the said order is reproduced below:

“On hearing the petitioner, the Commission is of the view that the petitioner could not establish the maintainability of the petition and therefore petition cannot be admitted.”

4. The petitioner had earlier filed a Petition No. 56/11 for seeking temporary reduction in contract demand from 5000 KVA to 3600 KVA at 132 KV. Vide order dated 20.10.2011 the Commission granted the approval. Consequently, a third H.T. supplementary agreement was executed on 21.11.2011 for a period of six months which period expired on 19.04.2012. After the expiry of said agreement period, the petitioner filed another petition for extending the said period of interim arrangement.

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The Commission vide order dated 29.5.2012 dismissed the petition as not maintainable. Aggrieved by the said order of the Commission, the petitioner has filed the present review petition.

5. In the light of the above submissions Petitioner has made the following prayers:

(a) The reduced contract demand of 3600 KVA may kindly be extended up to 19.10.2012 i.e. for a period of further six months.

(b) After 19.04.2012 the contract demand may kindly be considered permanently as 4500 KVA instead of 5000 KVA at 132 KV.

6. Relying on the Clause 3.4 (ii) of M.P. Electricity Supply Code, 2004 (Twelfth Amendment), the Petitioner has stated that the minimum contract demand could be allowed upto 2500 KVA at 132 KV.

7. The case was listed for motion hearing on 10.07.2012.

8. During the motion hearing, the petitioner reiterated the contents of the petition and requested reduction in contract demand below 5000 KVA at 132 KV. On the question of maintainability of the petition, the petitioner could not mention the grounds on which this review petition is maintainable. However, petitioner sought adjournment for reason that his Counsel could not attend the hearing due to unavoidable circumstances. The Commission decided to give another opportunity to the Petitioner to present his case. The case was listed for hearing on 23.07.2012 which was adjourned and re-scheduled on 31.07.2012.

9. During the hearing on 31.07.2012, the Commission enquired from the petitioner regarding maintainability of the petition. The representative of the petitioner could not establish the ground on which this review petition is maintainable.

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10. On hearing the petitioner and considering the written submissions made by the petitioner, the Commission has noted that the Petitioner has requested extension of the period of reduced contract demand for a period of six months from 19.04.2012 or permanent reduction in contract demand from the same date i.e. from 19.04.2012. The Commission is of the view that his contention for allowing lower contract demand is based on Clause 3.4(2) of MP Electricity Supply Code, 2004 (12th Amendment) which has already been repealed by the 17th Amendment and therefore it cannot be relied upon. The Commission also observes that the petitioner has not been able to mention any grounds for review which could be sustained under the provisions of the Code of Civil Procedure. The Commission, therefore, holds that the petition is not admissible.

11. In view of the above, the review petition No. 50 of 2012 stands dismissed.

Ordered accordingly,

sd/-

(C.S.Sharma)
Member

sd/-

(Rakesh Sahni)
Chairman