

**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

ORDER

(Date of order: 27th September 2023)

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 and Shri Jaswant Pasricha appeared on behalf of the petitioner.

Shri Sanjay Sen, Senior Advocate 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 MP Tradeco and the Respondent with regard to payment of compensation for non offtake 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. The aforesaid Appeal was dismissed by Hon'ble Appellate Tribunal for Electricity vide order dated 11.10.2012. The review petition filed by the respondent before the Hon'ble Appellate Tribunal for Electricity was also dismissed vide order dated 08.02.2013. 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. Hon'ble Supreme Court vide order dated 01.04.2013, directed that there shall be stay on further proceedings in the subject petition pending before this Commission. Accordingly, the subject petition was kept pending.

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 was again taken up by the Commission for hearings.

4. At the hearing held on 07th September' 2021, petitioner by affidavit dated 15th July' 2021 filed rejoinder/ additional submission and Ld. Counsel who appeared for the Respondent sought two weeks' time to file Sur-Rejoinder which was granted, and case was listed for arguments on 05th October' 2021.

5. At the hearing held on the 05th October' 2021, the Commission observed that the Respondent has filed Sur-rejoinder by affidavit dated 21.09.2021. Ld. Counsels who appeared for both the parties concluded their arguments. On the request of parties, they were allowed to file their written submissions within a week. The case was reserved for order. Commission in its daily order dated 05.10.2021 however mentioned that the final order in the matter shall be pronounced and be given effect only on permission of the Hon'ble Supreme Court in term of directions of Hon'ble Supreme Court in IA No. 131571/2018 in Civil Appeal No. 2247/2013.

6. Meanwhile, Commission has passed final order in the matter in pursuance of order dated 21.10.2019 of Hon'ble Supreme Court in IA No. 131571 of 2018 and kept it in a sealed cover to be pronounced after permission is granted by Hon'ble Supreme Court. It is noted by the Commission that despite a lapse of about 2 years, permission of Hon'ble Supreme Court is yet to be submitted to the Commission by either of the parties.

7. In light of above, Commission decides to dispose of this petition for the present with direction to Secretary of Commission to reopen the case on submission of permission from Hon'ble Supreme Court by either of the parties, for pronouncement of final order. On receipt of such permission, the Secretary of Commission shall put up the case, for obtaining appropriate orders from the Commission.

(Prashant Chaturvedi)
Member

(Gopal Srivastava)
Member (Law)

(S.P.S. Parihar)
Chairman