

Sub: In the matter of seeking clarification and giving suggestions in respect of order dated 31.12.2012 in SMP-73/2012 for determination of parallel operation charges

ORDER

(Date of hearing: 8th July,2016)

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Electricity Consumers Society, - Petitioner
C/o All India Manufacturers Association,
(M.P. State Board)
Industrial Estate, Pologround,
Indore- 452 015

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

Shri Gautam Kothari, Authorised Representative appeared on behalf of the petitioner.
None appeared on behalf of the respondent.

2. The petitioner, Electricity Consumers Society, Indore has filed this petition seeking clarification and giving suggestions in respect of order dated 31.12.2012 in SMP-73/2012 for determination of parallel operation charges. The petitioner, however, has not mentioned any specific prayer in the petition.

3. The case was listed for motion hearing on 01.10.2013. During the motion hearing, the petitioner restated the contents of the petition and sought clarification on some points in respect of order dated 31.12.2012 for determination of parallel operation charges on the ground that several members of the society faced difficulties on implementation of the impugned order. The Commission directed the petitioner to submit a list of companies who faced the difficulties along with their queries. The petitioner submitted a list of affected consumers on 04.10.2013 through e-mail and also filed on 21.10.2013, the statement indicating the points raised by the companies. The respondent also filed a written submission. 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.

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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. However, by letter dated 17.06.2016, the Authorised Signatory requested for postponement of the hearing at least by 15 days. During the hearing, the respondent stated that since the Hon'ble High Court disposed of the writ petitions and the petitioner can now approach to the Appellate Tribunal for Electricity for statutory remedy of Appeal against the impugned order dated 31.12.2012. The Commission has allowed the petitioner to file the reply by 05.07.2016 and the next date of hearing was fixed for 08.07.2016.

7. During the hearing on 08.07.2016, the petitioner submitted that no additional submission is being filed and requested the Commission to consider the written submission already made.

8. 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 industries represented by the petitioner. The Commission further noted that the issues raised by the petitioner require modifications in the order dated 31.12.2012, which shall lead to review of order and is now time barred. 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.

9. In view of the above, the petition no. 46 of 2013 is disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman