BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT AHMEDABAD

Petition No.1023/2010

In the matter of:
Determination of tariff for the period 21.07.2004 to 31.01.2009 in respect of Miroli Piyat Sahakari Mandali, issue unaddressed in order dated 18.02.2009 of Petition No.921/2007

Petitioner : Uttar Gujarat Vij Company Ltd.,
Visnagar Road, Mehsana.

V/s.

Respondent :
1. Miroli Piyat Sahakari Mandli, Village Miroli, Taluka: Dascroi.
2. Secretary, Energy & Petrochemicals Deptt., Sachivalaya, Gandhinagar.

CORAM:

Pravinbhai Patel, Member(T)
Dr.M.K.Iyer, Member(F)

ORAL ORDER

[1] When the matter was called out on 03.12.2010, Learned Advocate Shri Premal Joshi along with Shri D.S.Doshi and Kamal Sindhi were present on behalf of the petitioner. Nobody remained present on behalf of respondent No.1 & 2.

[2] Shri D.S.Doshi, on behalf of the petitioner, submitted that the present petition is filed for getting clarification from the Commission, relating to the Judgment dated 28.12.2004 in Petition No.831/2004 under which tariff is leviable to the respondent No.1 for the period 21.07.2004 to 31.01.2009. He submitted that the respondent is the only consumer having High Tension Agriculture connection with the petitioner. There was no agricultural tariff existing during the period 21.7.2004 to 31.1.2009. The Hon'ble Commission in its judgment dt.28.12.2004 decided in para 17 and 18 that the respondent (original petitioner society) has to charge to the respondent No.1 for power consumption according to agricultural tariff. Moreover, in para 17, it was also recorded that Shri Asim Pandya, Advocate for applicant (Advocate of the present respondent No.1) agreed for application of agricultural tariff for 8 hours power supply in a day and for rest of hours, the applicant (respondent No.1) will pay HTP-I tariff. Thus, the petitioner desires to get clarification as to the agricultural tariff to be applied to the respondent No.1, as they are having high tension agriculture connection, and there was no tariff existing during that period for agriculture consumers having high tension connection.

He further submitted that the respondent No.1 had filed a Special Civil Application No.5116 of 2010 before the Hon'ble High Court of Gujarat wherein the Hon'ble High Court of Gujarat had passed an Oral order on 27.10.2010 and directed the parties to approach the Hon'ble Commission as a connected matter i.e. present petition was pending before the Commission. He submitted that the respndent No.1 has approached the Hon'ble High

Court regarding the dispute between the respondent No.1 and the petitioner regarding reduction in contract demand requested by them and its effect on energy bills issued by the present petitioner.

[3] We have carefully considered the submissions made by the petitioner. The respondent No.1 did not remain present during the last two hearings. Hence, we direct the respondent No.1 to remain present on the next date of hearing, failing which the matter will be decided by the Commission on the basis of available record and submission of the petitioner.

[4] The respondent No.1 has filed an application along with Oral order of the Hon'ble High Court dated 27.10.2010 in SCA No. 5116 of 2010 and other documents which pertains to reduction in contract demand demanded by them and the responses of the present petitioner in this regard. The Hon'ble High Court directed the Commission to decide the said matter within six months preferably. On verification of the said application, it is observed that the respondent No.1 has not submitted necessary fee. Hence, we direct the respondent No.1 to pay necessary fee and also submit all the documents which were submitted before the Hon'ble High Court in SCA No. 5116 of 2010 within 10 days of receipt of order to decide the said matter. In absence of the respondents, we adjourn the matter and direct both the petitioner and the respondents to remain present during next date of hearing otherwise matter will be decided based on record of the Commission.

[5] We order accordingly.

[6] The next date of hearing will be 18th December 2010 at 11:30 AM.

Sd/-	Sd/-
[PRAVINBHAI PATEL]	**[Dr.M.K.IYER]**
MEMBER (T)	**MEMBER (F)**

Place: Ahmedabad
Date : 08/12/2009