BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION AT AHMEDABAD

Petition No.972/2009

In the matter of: Petition u/s 86(1) (f) of the Electricity Act – 2003.

Petitioner: Gujarat Urja Vikas Nigam Limited
Sardar Patel, Vidyut Bhavan,
Race Course,
Baroda

Respondent: Essar Power Limited
Essar house,
P.O.Box No: 7945
Mahalaxmi Road,
Mumbai – 400034.

CORAM:

Dr. P.K.Mishra, Chairman
Shri Pravinbhai Patel, Member (Tech)
Dr. M.K. Iyer, Member (Fin.)

ORAL ORDER

(1) The matter was kept for hearing on 15.10.2010. When the matter was called out, Smt. Sailaja Vachharajani and Shri D.P.Modi were present on behalf of the petitioner. Learned advocate Shri Sahlil Shah alongwith Shri Nilay Dave were present on behalf of the respondent at the time of hearing.

(2) Smt. Shaliaja Vachharajani on behalf of the petitioner submitted that the present petition has been filed by them for adjudication of dispute on issues arising from the Commission's order dated 18.02.2009 in petition No. 873 of 2006. The said order of the Commission was challenged by the petitioner before Hon'ble Appellate Tribunal for Electricity, New Delhi vide Appeal No. 77 of 2009 and by the respondent vide appeal No. 86 of 2009. The Hon'ble APTEL passed Judgement/order in the above Appeals on 22nd February, 2010. Thereafter, the said judgement has been challenged by the present petitioner (Gujarat Urja Vikas Nigam Ltd) before the Hon'ble Supreme Court of India vide civil appeal No. 3454-3455 of 2010.

(3) She further submitted that the original order of the Commission and the judgement passed in Appeal No. 86 of 2009 and 77 of 2009 by Hon'ble Appellate Tribunal for Electricity are under challenge in the Hon'ble Supreme Court of India and the verdict is pending. She requested to adjourn the matter and pleaded that the same may be decided by the Commission after receipt of the final order/decision of the Hon'ble Supreme Court.

(4) The respondent had no objection on the adjournment sought and concurred with the submission of the petitioner.

(5) We have carefully considered the submission made by the parties. The order passed by the Commission in petitioner No. 873 of 2006 was challenged before the Hon'ble Appellate Tribunal for Electricity and the judgement of the Hon'ble APTEL, New Delhi

has been challenged before the Hon'ble Supreme Court of India. The request to adjourn the matter, as the final verdict of Hon'ble Supreme Court is awaited, seems to be genuine and also concurred by the respondent. We, therefore, grant an adjournment as represented by the petitioner.

(6) The petitioner and respondent are directed to intimate the Commission the status of the Civil Appeal No. 3454-3455 of 2010 filed before the Hon'ble Supreme Court form time to time.

(7) We order accordingly.

(8) The next date of hearing will be intimated separately.

Sd/-	Sd/-	Sd/-
(Dr.P.K.MISHRA)	(PRAVINBHAI PATEL)	(Dr.M.K.IYER)
CHAIRMAN	MEMBER (TECH)	MEMBER (FIN)

Place: Ahmedabad

Date : 06/12/2010