

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APPEAL NO. 54 OF 2018

Dated : 23rd April, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

Jaiprakash Power Ventures Limited **Appellant(s)**
JA House, 63 Basant Lok, Vasant Vihar,
New Delhi-110057.

Verses

- 1. Madhya Pradesh Electricity Regulatory Commission**
5th Floor, Metro Plaza,
Area Colony, Bittan Market,
Bhopal 462 016
- 2. Madhya Pradesh Power Management Company Ltd.**
Shakti Bhawan, Vidyut Nagar,
Rampur,
Jabalpur (M.P.) 482008
- 3. Madhya Pradesh Poorv Kshetra Vidyut Vitaran Co.**
Ltd., Jabalpur
Shakti Bhawan, Vidyut Nagar,
Rampur,
Jabalpur (M.P.) 482008
- 4. Madhya Pradesh Madhya Kshetra Vidyut Vitaran Co.**
Ltd.
Bhopal Bijli Nagar Colony
Nishtha Parisar, Govindpura
Bhopal-462023
- 5. Madhya Pradesh Paschim Kshetra Vidyut Vitaran Ltd.**
Indore GPH Campus
Polo Ground
Indore-452003

..... Respondents

Counsel for the Appellant (s) : Shri Venkatesh
Ms. Nishtha Kumar
Mr. Somesh Srivastava
Mr. Vikas Maini

Counsel for the Respondent(s) : Mr. Parinay Deep Shah
Ms. Ritika Singhal
Ms. Surubhi Pandey for R-1

Mr. Aashish Anand Bernard
Mr. Paramhans Sahani for R-2

J U D G M E N T

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

1. The Appellant has presented the instant Appeal seeking the following reliefs :-

- (a) Allow the present Appeal and set aside the Impugned Order dated 04.12.2017 in terms of the grounds raised in para 9.
- (b) Direct and declare that the Appellant has adequately reduced the revenue of Rs.9.23 crores earned from sale of Infirm Power from the Capital Cost of the Project; and
- (c) Allow the past recovery along with carrying cost@18% per annum
- (d) Pass such further or other relief as circumstances and nature of the case may require.

2. In the instant Appeal, Jai Prakash Power Ventures Limited in short, the “**Appellant**” is questioning the legality and validity of the Impugned

Order dated 04.12.2017 passed in case No. 11 of 2017 by the Madhya Pradesh Electricity Regulatory Commission, Bhopal.

3. Heard the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent No. 1 State Commission for quite sometime. During the course of the submission the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent No. 1 at the outset fairly submitted that in the light of the minutes of the meeting held on 08/04/2019, wherein the authorised representative of the Appellant was present, the instant appeal may be disposed of with the direction to the First Respondent to reconcile the matter afresh in the light of the reasoning assigned in the proceedings dated 08/04/2019 without being influenced by the impugned order.

4. All the contentions and grounds urged by the Appellant and Respondent may kindly be left open.

5. Submissions of the learned appearing for the Appellant, as stated, supra, are placed on record.

6. In the light of the submissions of the learned counsel appearing for the Appellant, as stated supra, the instant appeal, being Appeal No. 54 of 2018, on the file of the Appellate Tribunal for Electricity, New Delhi stands disposed of in the light of the Minutes of the proceedings dated 08.04.2019 held between the authorised representative of the Appellant and the officer of the first Respondent (MPERC) and without being influenced of the observation made in the impugned order in the interest of justice and equity.

ORDER

7. Having regard to all the facts and circumstances of the case above, the instant appeal being Appeal No. 54 of 2018, stands disposed of.

8. The First Respondent, Madhya Pradesh Electricity Regulatory Commission, (MPERC) Bhopal is hereby directed to dispose of the matter as expeditiously as possible at any rate within a period of three months from the date of the receipt of the copy of this order.

The Appellant and the Respondents are directed to appear before the First Respondent, MPERC, Bhopal personally or through their counsel on 20th May, 2019 without notice to collect necessary date of hearing.

9. All the contention and grounds of the Appellant and Respondents are left open.

10. With these observations the instant appeal, being Appeal No. 54 of 2018, stands disposed of.

Parties to bear their own costs.

(Ravindra Kumar Verma)
Technical Member

Bn/js

(Justice N. K. Patil)
Judicial Member