

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 188 of 2015 & IA Nos.352 and 353 of 2015

Dated: 10th December, 2015

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

**Torrent Power Ltd. Appellant(s)
Versus
Uttar Pradesh Electricity Regulatory Commission & Ors. ... Respondent(s)**

Counsel for the Appellant(s) : Ms. Deepa Chawan
Mr. H.S. Jaggi
Counsel for the Respondent(s) : Ms. Alka Agarwal for R-3
Mr. C.K. Rai &
Mr. Paramhans for R-1/UPERC
Mr. Rama Shankar Awasthi-R-4

ORDER

It has been reported by the learned counsel for the respondent /UPERC that this Tribunal vide order dated 15th September, 2015 passed the following order:-

“

We direct the Uttar Pradesh Power Corporation Ltd. and Dakshinanchal Vidyut Vitran Nigam Ltd. to furnish within three weeks from today the said Distribution Franchisee Agreement for distribution of electricity in the urban area of Agra and explain under what circumstances the appellant was appointed Franchisee and who will bear the ultimate burden of expenses of the appellant i.e. franchisee which is functioning on behalf of the Dakshinanchal Vidyut Vitran Nigam Ltd.”

It is submitted on behalf of the State Commission that Uttar Pradesh Power Corporation Ltd. and Dakshinanchal Vidyut Vitran Nigam Ltd. are respondent nos. 2 & 3 respectively in the memo of Appeals, though they have been served but they have failed to comply with the aforementioned directions.

Ms. Alka Agarwal, learned counsel appearing for the respondent no.3, Dakshinanchal Vidyut Vitran Nigam Ltd. submits that she needs some time to seek instructions regarding the compliance of the aforesaid directions. She is granted three

weeks time from today to file reply/counter affidavit to the Appeal Memorandum and appellant may file rejoinder, if any, within two weeks thereafter.

Despite being served personally, none has entered appearance on behalf of respondent no.2/Uttar Pradesh Power Corporation Ltd. nor filed any reply and there is no compliance of the aforementioned order of the Tribunal.

A copy of the order passed today together with the order dated 15th September, 2015 be sent to the Secretary, Power, Government of Uttar Pradesh to look into the matter and to ensure compliance report of the ibid orders failing which this Tribunal shall be constrained to pass harsh orders in this matter in terms of Electricity Act, 2003 irrespective of the fact that it is a Government or Private Discom.

Interim order dated 5th October, 2015 to continue till the next date of hearing.

Post this Appeal for hearing on 5th February, 2016.

(T. Munikrishnaiah)
Technical Member
rkt

(Justice Surendra Kumar)
Judicial Member