

Court-II
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

E.P. No. 1 of 2016 & IA Nos. 59 of 2016 & 101 of 2016

Dated : **17th March, 2016**

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

In the matter of:

D.P. Chirania & Anr. **Appellant(s)**
Versus
Rajasthan I Electricity Regulatory Commission & Ors. **Respondent(s)**

Counsel for the Appellant (s): Mr. D.P. Chirania
Mr. B.M. Sanadhya

Counsel for the Respondent (s): Mr. R.K. Mehta
Ms. Himanshi Andley for RERC

Mr. M.G. Ramachandran
Ms. Poorva Saigal
Mr. Shubham Arya for R-2 to 4

ORDER

1. We have perused our previous orders, dated 4.2.2016, 18.2.2016 and 4.3.2016. Mr. D.P. Chirania, Execution Petitioner, is present in person. Mr. R.K. Mehta, learned counsel for the State Commission and Mr. M.G. Ramachandran, learned counsel for the Rajasthan Distribution Licensees are also present.

2. We have been informed on behalf of the Discoms as well as the State Commission that Discoms have filed all the relevant data before the State Commission on 11.3.2016 in compliance of the directions of this Appellate Tribunal and Mr. R.K. Mehta admits the same position saying that the data submitted by the Discoms are sufficient for the purpose of disposal of ARR Petitions for the year 2015-16.

3. We have heard Mr. D.P. Chirania on the prayers made by him in the prayer clause of the Contempt Petition (treated by us as Execution Petition). Mr. Chirania has made the following prayers that (i) nobody can be allowed to flout/disobey the instructions of this Appellate Tribunal in its previous judgments. Instead of further process on the petition in the instant case, i.e. True-up ARR for FY 2013-14 and ARR and Retail Tariff Revision for FY 2015-16 filed by the Distribution Companies of the Rajasthan and accepted by the State Commission for hearing with incomplete data till revised petitions are filed with complete

data; (ii) to constitute a Special Investigation Team (SIT) to monitor and enforce the compliance of the earlier directives of the State Commission as well as the directions given by this Appellate Tribunal; (iii) to instruct the State Commission to introduce a system of holding of periodical open court for reviewing of the said compliances, in which the stakeholders must be invited and heard; (iv) lastly, to instruct the State Commission to exercise its power available under Sections 24, 128, 129, 142, 146 and 149 of the Electricity Act, 2003 liberally, without showing any leniency in case of defaults by the Distribution Licensees.

4. After hearing all the parties, we find that at present, the Discoms have filed the relevant data in support of the said petitions which are now pending before the State Commission and the said data are sufficient for the purpose of deciding the said petitions. We do not have any power to constitute a Special Investigation Team for the aforesaid purpose. We cannot issue general direction to any State Commission to introduce a system of holding a periodical open court for reviewing of the compliances of the aforesaid directions giving the chance to the stakeholders to file their remarks or submissions. Every State Commission, being an independent regulator, is free to frame rules or regulations as the situation demands. So far as the last prayer to instruct the State Commission to exercise powers vested under the aforesaid sections is concerned, the State Commission is free to resort the said powers in case of default by any Distribution Licensee.

5. On our query, Mr. Chirania clearly admits that he is simply worried about the compliances of the directions of this Appellate Tribunal in its judgments regarding the State Commission of Rajasthan and the directions issued by the State Commission. At the moment, in view of the above circumstances, we do not find any sufficient or cogent reason to continue the said Execution Petition. Hence, this Execution Petition, being EP No. 1 of 2016 and IA No. 59 of 2016 & IA No. 101 of 2016, are hereby dismissed without any costs.

6. We, further, hope and trust that the State Commission would comply to its earlier directions including our directions in letter and spirit without showing any excuse, lame or otherwise because such compliance should be made so as to give impression to the public or the consumer of electricity that the State Commission is quite sincere on these aspects.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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