

COURT-II

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**ORDER ON APPEAL NO. 01 OF 2018 &
IA NOS. 03 OF 2018, 02 OF 2018 & 01 OF 2018 FILED BEFORE
THE APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI**

Dated : 8th January, 2018

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

M/s Prism Cement Limited

Registered Office: 305, Laxmi Niwas Apartment,
Amarpreet
Hyderabad

..... Appellant(s)

Versus

1. Madhya Pradesh Electricity Regulatory Commission

Through its Secretary
5th Floor, Metro Plaza,
Arera Colony, Bittan Market, Bhopal
Madhya Pradesh 462 016

2. State of Madhya Pradesh

Through Principal Secretary
Energy Department,
435, Vallabh Bhawan, Bhopal,
Madhya Pradesh 462 004

**3. Madhya Pradesh Power Management
Company Limited (MPPMCL)**

Through its Managing Director
Shakti Bhawan, Vidyut Nagar,
Rampur Jabalpur
Madhya Pradesh 482008

**4. Madhya Pradesh Poorva Kshetriya
Vidyut Vitran Company Ltd. (MPPKVVCL)**

Through its Managing Director
Shakti Bhawan, Vidyut Nagar,
Rampur Jabalpur
Madhya Pradesh 482008

5. BLA Power Pvt. Ltd.

Through its General Manager
Village Niwari, PO Khursipar,
Tehsil Gadarwara, Narsinghpur,
Madhya Pradesh 487551

6. State Load Despatch Centre

The Chief Manager,
Naya Gaon, Rampur, Jabalpur,
Madhya Pradesh 482008

..... Respondent(s)

Counsel for the Appellant (s) : Mr. Amit Kapur
Mr. S. Venkatesh
Mr. Sandeep Rajpurohit
Mr. Vikas Maini

Counsel for the Respondent(s) : ---

In the instant Appeal, being Appeal No. 01 of 2018, the Appellant most humbly prays for the following reliefs:

- a) Set aside Impugned Order dated 20.12.2017;
- b) Direct Respondent No.1 Commission to grant the Appellant 2 weeks time to respond to the Additional Submissions dated 19.12.2017 filed by Respondent No.2 and 3;
- c) Direct the Respondent No.1 Commission to fix the hearing of Petition No. 36 of 2017 and connected matter in January 2018;
- d) Pass any order or direction that this Hon'ble Tribunal may deem fit.

Presented this Appeal for consideration under following Question of Law:

- i. Whether the Respondent Commission has violated the principle of Natural Justice by not according effective opportunity to the Appellant to respond to submissions and effectively represent in the matter?
- ii. Whether the Impugned Order passed by the Respondent Commission is contrary to the settled principle that Justice should not only be done but to be seen to be done?
- iii. Whether the hearing fixed by the Respondent Commission on 26.11.2017 tantamount to denial of Justice to the Appellant as admittedly the Counsel representing the Appellant is not in the position to travel to Madhya Pradesh for the hearing on the said date due to personal indisposition?
- iv. Whether the new composition of the Respondent Commission should seek to adjudicate on the matter in the most hurried manner especially when the previous composition had reserved the matter for Orders for a period of 2(two) months without passing the same?
- v. Whether the Respondent Commission is correct in arbitrarily rejecting the prayer of the Appellant for an accommodation in the month of January, 2018 especially when the Respondent Commission has already listed various matters for hearing on 23.01.2018?

ORDER

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

The learned counsel, Mr. Amit Kapur, appearing for the Appellant, submitted that the instant Appeal, being Appeal No. 01 of 2018 may be dismissed as not pressed reserving liberty to the Appellant to redress his grievance before the appropriate

Legal Forum as envisaged under the relevant provision of the Electricity Act, 2003 and all the grounds urged in the instant memo of appeal may kindly be left open.

2. Submissions made by the learned counsel appearing for the Appellant, as stated above, are placed on record.

3. In view of the aforementioned submissions made by the learned counsel appearing for the Appellant, the instant appeal, being Appeal No. 01 of 2018, is dismissed as withdrawn reserving liberty to the Appellant to redress his grievances before the appropriate Legal Forum as envisaged under the relevant provisions of the Electricity Act, 2003 and all the contentions urged by the Appellant in the instant memo of appeal are left open.

ORDER ON
IA NOS. 03 OF 2018, 02 OF 2018 & 01 OF 2018

4. In view of Appeal No. 01 of 2018 on the file of the Appellate Tribunal for Electricity, New Delhi has been dismissed as withdrawn, on account of which, reliefs sought in IA No. 03 of 2018, IA No. 02 of 2018 and IA No. 01 of 2018 does not survive for considerations as it has become infructuous.

5. Order accordingly.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

js/vt