

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

**ORDER ON CONTEMPT PETITION NO. 01 OF 2018 IN**  
**APPEAL NO. 20 OF 2018 ON THE FILE OF THE**  
**APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI**

**Dated: 7<sup>th</sup> March 2018**

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

**In the matter of:**

OPGS Power Gujarat Private Limited  
Village Bhadreshwar  
Taluka – Mundra  
District Kutch  
Gujarat – 370 411

.... PETITIONER

VERSUS

1. Chairman and Managing Director,  
Maharashtra State Electricity Distribution  
Company Limited,  
Hongkong Bank Building  
M.G. Road, Fort,  
Mumbai – 400 001 .... Respondent No. 1
2. Chief Engineer (Commercial),  
Maharashtra State Electricity Distribution  
Company Limited  
Hongkong Bank Building  
M.G. Road, Fort,  
Mumbai – 400 001 .... Respondent No. 2
3. Maharashtra State Electricity Distribution  
Company Limited,  
Hongkong Bank Building  
M.G. Road, Fort,  
Mumbai – 400001 .... Respondent No. 3

Counsel for the Appellant(s) / Petitioner(s) : Mr. Hemant Singh  
Mr. Divyanshu Bhatt

Counsel for the Respondent(s) : Mr. Udit Gupta for R-3

**I. The Petitioner has placed the following prayers in Contempt Petition No. 01 of 2018 in Appeal No. 20 of 2018:**

“In view of the facts mentioned hereinabove and the submissions made and the arguments advanced, the Petitioner most humbly prays that this Tribunal may be pleased to:

- (1) Take cognizance of the contemptuous acts committed by the Respondent Nos. 1, 2 and 3 and punish the said Respondents and/or any other persons who are found guilty of having committed contempt of this Hon'ble Tribunal by violating the terms of the orders dated 23.01.2018 and 15.02.2018 passed by this Hon'ble Tribunal in Appeal No. 20 of 2018;
- (2) quash the Impugned acts of the Respondent Nos. 1 to 3, being the Invoices dated 05.02.2018 to the extent of levy of CSS and additional surcharge and the disconnection notices dated 21.02.2018 raised upon the various captive users of the Petitioner situated in the State of Maharashtra, as non est in the eyes of law as being issued in complete negation of the orders dated 23.01.2018 and 15.02.2018 passed by this Hon'ble Tribunal in Appeal No. 20 of 2018; and
- (3) direct the Respondent Nos. 1 to 3 to revise the bills dated 05.02.2018 and 06.02.2018 thereby removing the components of CSS and AS from the invoices raised upon all the captive users of the Petitioner.
- (4) Direct the Respondent Nos. 1 to 3 to raise invoices without levying the components of CSS and additional surcharge upon

the captive users of the Petitioner during the subsistence of the interim protection which has been granted to the Petitioner vide Order dated 15.02.2018; and

- (5) pass such other and further order or orders as this Respondent Tribunal may deem fit and proper under the facts and circumstances of the present case and in the interest of justice.”

### **ORDER**

1. We have heard learned counsel, Mr. Hemant Singh appearing for the Petitioner and learned counsel, Mr. Udit Gupta appearing for the third Respondent.

2. The learned Counsel for the third respondent submitted that, under the strength of an instruction through an email dated 03.03.2018 from Maharashtra State Electricity Distribution Company Limited (MSEDCL) to all their circles to withdraw immediately the Disconnection Notice under Section 56(1) of Electricity Act 2003 issued to the consumers of the Petitioner to the extent of amount of CSS and Additional Surcharge, the MSEDCL will undertake to advise the Assistant Law Officer, MSEDCL, Circle Office, Solapur to withdraw the said Disconnection notice. Therefore, he submitted that, in view of the withdrawal of the above stated disconnection notice, the relief sought in the instant petition, being

Contempt Petition No. 01 of 2018 in Appeal No. 20 of 2018, does not survive for consideration. Hence, the petition may kindly be disposed of.

3. *Per-contra*, the learned counsel for the petitioner at the outset fairly submitted that, the submission made by the learned counsel for the third Respondent, as stated above, may be placed on record and the instant petition may be disposed of.

4. The submissions of the learned counsel for the third Respondent and the Petitioner, as stated above, are placed on record.

5. In the light of the submissions made by the learned counsel for both the parties, the instant Petition, being Contempt Petition No. 01 of 2018 in Appeal No. 20 of 2018, filed by the Petitioner, stands disposed of as it has become infructuous.

6. Order Accordingly.

**(S.D. Dubey)**  
**Technical Member**  
*tpd/vt*

**(Justice N. K. Patil)**  
**Judicial Member**