

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 188 of 2012

Dated : 17th May, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member

M.P. Power Management Co. Ltd. Appellant(s)

Versus

Madhya Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant(s): Mr. G. Umapathy
Ms. R. Mekhala

Counsel for the Respondent(s): Mr. C.K. Rai for MPERC
Mr. Sanjay Sen, Sr. Adv. &
Mr. Anurag Sharma R-2

ORDER

We have heard Mr. G. Umapathy, Learned Counsel appearing for the Appellant, Mr. Sanjay Sen, Learned Senior Counsel for the Respondent and Mr. C.K. Rai, Learned Counsel for the State Commission.

There is no dispute in the fact that the impugned order is a provisional order which was passed on 24th July, 2012. Now, it is pointed out that the proceedings is to be initiated for passing of the final tariff order and we are told that the petition alongwith audited report would be filed by the end of June, 2013.

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Though we find force in the contentions urged by the Learned Counsel for the Appellant as well as the Respondents, we do not like to go into the merits of the matter since, we deem it appropriate to direct the State Commission to pass a final tariff order after allowing the Appellant to raise all the contentions raised in this Appeal as well as the Reply filed by the Respondents.

We also think it proper to direct the State Commission to dispose of the matter by passing a final tariff order in the proceedings after hearing the parties concerned within a period of three months from the date of the admission of the petition.

Accordingly, the State Commission is directed to hear the parties and pass the final tariff order in accordance with law uninfluenced by any of findings in the impugned provisional tariff order passed by the Chairman as well as Member of the Commission.

With these observations the Appeal is disposed of.

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

rkt/vt