

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 40 of 2013 &
I.A. No. 59 of 2013

Dated : 10th May, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

Silvassa Industries Association **Appellant (s)**
Versus
Joint Electricity Regulatory Commission
& Anr. ...**Respondent (s)**

Counsel for the Appellant(s): Mr. Sakesh Kumar

Counsel for Respondent (s): Mr. Anand K. Ganesan for R.2
Ms. Puja Priyadarshini for R-1

ORDER

We have heard the learned counsel for the parties.

Though we felt some doubt with regard to the maintainability of the Appeal filed as against the dismissal Order passed in Review Petition, we have allowed the learned counsel for the parties to argue on the question of alleged failure to exercise the power of relaxation by the State Commission.

It is pointed out by the learned counsel for the Appellant that in fact the prayer for relaxation was also made in that application,

for Review, which has been referred to in the Order, but the same has not been considered by the Commission.

The learned counsel for the Distribution Company also submits that they also face some difficulties due to the Regulations which require consideration for relaxation.

From a perusal of the Order, it is clear that this aspect has not been considered by the Joint Electricity Regulatory Commission.

Therefore, the Joint Electricity Regulatory Commission is directed to deal with the said question and find out whether a case is made out for relaxation of the prevailing Regulation after hearing both the parties and pass the Order in accordance with law as expeditiously as possible.

With the above observations, the Appeal is disposed of.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson