

**JOINT ELECTRICITY REGULATORY COMMISSION
FOR THE STATE OF GOA AND UNION TERRITORIES
GURGAON**

Quorum

Shri S.K.Chaturvedi, Chairperson

Smt. Neerja Mathur, Member

Petition No. 167/2015

Date of Order: 06.10.2015

In the matter of

Petition under Section 86 (1) (f) of Electricity Act, 2003 for recovery under Power Purchase Agreement dated 10.01.1997 amended from time to time between Reliance Infrastructure Limited and Government of Goa through Electricity Department, Goa.

And in the matter of

Reliance Infrastructure Limited, a company incorporated under the Companies Act, 1956, having its Registered Office at 'H' Block, 1st Floor, Dhirubhai Ambani Knowledge City, Navi Mumbai 400 719 and Plant Office at Goa Power Station, Opp. Sancoale Industrial Estate, Zuarinagar, Goa – 403 726.Petitioner

And in the matter of

Government of Goa through Department of Electricity, Goa, having its office at Vidyut Bhawan, Panaji, Goa
.... Respondent

Present

For Petitioner

1. Shri J.J. Bhatt, Sr. Advocate , Reliance Infrastructure
2. Ms. Anjali Chandurkar, Advocate, Reliance Infrastructure
3. Shri Surendra Khot, Sr. V.P. (Legal)- Reliance Infrastructure
4. Shri Hasan Murtaza, Advocate – Reliance Infrastructure
5. Shri Shantanu Dolas, Manager, Reliance Infrastructure
6. Shri Stephen Fernandes, DGM, Reliance Infrastructure
7. Shri Mayur Hede- General Manager – Reliance Infrastructure

For Respondent

Shri S.S. Rebello, Advocate, State of Goa

Shri Dipak S. Bhajekar, Chief Electrical Engineer, ED, Goa

ORDER

The Petitioner – Reliance Infrastructure Ltd. has filed the present petition under section 86(1)(f) of Electricity Act, 2003 for recovery under Power Purchase Agreement dated 10.01.1997 amended from time to time executed by Reliance Infrastructure Limited and Government of Goa through Electricity Department, Goa.

The Petition was received in the Commission on 19.05.2015. The Petition was found generally as per the JERC (Conduct of Business) Regulations, 2009 and Electricity Act, 2003. The Commission admitted the Petition on 03.06.2015.

The Commission sent hearing notice to the parties for 29.06.2015. Counsel for the Respondent appeared and requested for six weeks time for filing reply/ counter affidavit. The Commission directed the Respondent to submit reply within five weeks from 29.06.2015 with advance copy to the Petitioner. The Commission also directed the Petitioner to file rejoinder within ten days thereafter.

The Respondent Government of Goa instead of filing reply / counter affidavit submitted an application dated 27.08.2015 received in the Commission on 08.09.2015 under Section 8 of the Arbitration and Conciliation for appointment of Arbitrator as per the agreement dated 10.01.1997.

The Petitioner Reliance Infrastructure Limited has submitted reply to the application. The Petition was scheduled for hearing today on 06.10.2015. The Commission heard the representatives for the parties. The Counsel for the Respondent Government of Goa prayed for two weeks time for filing rejoinder to the reply of the Petitioner Reliance Infrastructure Limited.

The Commission considered the prayer of the Respondent, acceded the same and directed the Respondent Government of Goa to submit rejoinder to the reply of the Petitioner Reliance Infrastructure Limited within two weeks with advance copy to the Petitioner.

Scheduled for hearing on 27.10.2015 at 11.00 hrs at Commission's HQ for arguments on the application under Section 8 of the Arbitration and Conciliation Act for appointment of Arbitrator.

Sd/-
(NEERJA MATHUR)
MEMBER

Sd/-
(S.K.CHATURVEDI)
CHAIRPERSON

(CERTIFIED COPY)


(KEERTI TEWARI)
SECRETARY