

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

Coram*

Sh. S.K.Chaturvedi, Member

Petition No. 89/2012

In the matter of

Petition for fixation of completed / actual capital cost and Tariff of the project of the petitioner- a Power Generating Company under Regulations 3(2)(a), 3(4), 12 and 36 of the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Terms and Conditions for determination of Tariff) Regulations, 2009 read with sections 62(1) (a) and 63 of the Electricity Act, 2003.

And in the matter of

M/s Suryachakra Power Corporation Ltd., Suryachakra House, Plot No. 304-L-III, Road No.78, Film Nagar, Jubilee Hills, Hyderabad- 500096

.....Petitioner

Vs.

1. Electricity Department, Rep. by its Superintending Engineer, Port Blair, Andaman & Nicobar Islands.
2. Chief Secretary, Andaman & Nicobar Administration Secretariat, Port Blair, Port Blair, Andaman & Nicobar Islands.

.....Respondents

Present for petitioner

1. Shri K. Vijay Kumar, Executive Director, SPCL.
2. Shri A. Suresh, Manager, SPCL.
3. Shri Rohit Rao. N, Advocate, SPCL.

Present for respondents

1. Shri Anand Behari, Superintending Engineer, ED- Andaman & Nicobar Islands.
2. Shri M. Jagannathan, AE, ED- Andaman & Nicobar Islands.
3. Shri Arvind Tewari, Consultant, ED- Andaman & Nicobar Islands.
4. Shri M.D.S. Murly, Rt. EE, ED- Andaman & Nicobar Islands.
5. Ms. Ruchi Sindhvani, Advocate, ED- Andaman & Nicobar Islands.

Order

19.09.2013

M/s Suryachakra Power Corporation Ltd.- Petitioner filed Petition No. 89/2012 for fixation of completed / actual capital cost and Tariff of the project of the petitioner- a Power Generating Company under sections 62(1) (a) and 63 of the Electricity Act, 2003 read with Regulations 3(2)(a), 3(4), 12 and 36 of the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Terms and Conditions for determination of Tariff) Regulations, 2009.

The Commission after notice and hearings determined completed / actual capital cost of project of the petitioner vide order dated 3.07.2013 and at pages no. 89-91 of the order dated 3.07.2013 gave some directions to the parties.

The parties to the petition were directed to submit compliance report of the directions given by the Commission in the order dated 3.07.2013 within a fortnight i.e. by 17.7.2013.

The petitioner vide letter dated 12.07.2013 intimated the Commission that the respondents are required to pay an amount of Rs. 84.18 Crs. as per the order dated 3.07.2013 of the Commission. The petitioner has also submitted its claim with the respondents and complied with the directions issued by the Commission in the order dated 3.07.2013.

The respondents did not submit compliance report of the order dated 3.07.2013 upto 17.07.2013 and despite expiry of period of 27 days. Therefore, the Commission reached to the conclusion that the respondents willfully and intentionally did not comply with the directions issued by the Commission given in the order dated 3.07.2013 in petition no. 89/2012 within the stipulated period of a fortnight i.e. by 17.7.2013.

The respondents also failed to produce any stay order from any competent Court of Law/ APTEL/ Commission.

According to the provisions of Sections 142 and 146 read with Section 149 of the Electricity Act, 2003 non-compliance of provisions of the Electricity Act, 2003 and orders or directions issued by the Commission in the stipulated period attract penal action under Sections 142 and 146 read with Section 149 of the Electricity Act, 2003.

Therefore, the Commission decided that a show cause notice be sent to the respondents/ licensee that why proceedings under Sections 142 and 146 read with Section 149 of the EA, 2003 be not initiated against the licensee for willful and intentional non-compliance of the directions / order of the Commission dated 3.07.2013 in petition no. 89/2012 and for nonpayment of an amount of Rs. 84.18 Crs. (as claimed by petitioner) within the stipulated period of a fortnight i.e. by 17.7.2013 and thereafter.

The Commission heard counsel for the parties on show cause notice dated 1.08.2013 under sections 142 & 146 read with section 149 of the Electricity Act, 2003. The Commission reserves order.

Sd/-

(S.K.Chaturvedi)

Member

Chairperson (Vacant)

* Post of the Chairperson is vacant. As per proviso of Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 for review of its own orders "Coram is all Members". Whereas according to provisions of Section 93 of the Electricity Act, 2003 no act or proceedings of the appropriate Commission shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the Constitution of the appropriate Commission. So the Member only constitute a valid quorum.

Certified Copy


(R.K. Malik)

Secretary