

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

Coram*
Shri S.K.Chaturvedi, Member
Petition No. 115/2013
Date of Order 13.11.2013

In the matter of

Petition against demand of ACD by Electricity Department UT- Chandigarh

And in the matter of

Industries Association of Chandigarh.

..... Petitioner

And in the matter of

Electricity Department UT Chandigarh

..... Respondent

Present for Respondent

1. Shri Pawan Sharma, AEE (Commercial), ED- Chandigarh.
2. Shri Sunil Sharma, Executive Engineer, ED- Chandigarh.

Order

The petitioner Industries Association of Chandigarh through its president Arun Mahajan has filed the present petition against demand of ACD charges by ED- Chandigarh from the members of the Industries Association with a prayer to recover the ACD charges in six (6) equal installments.

Briefly the facts of the petition are that the respondent ED- UT Chandigarh has raised ACD charges of members of the petitioner Association as per the tariff order of the Commission for the year 2011. The demand of the ACD charges is huge, therefore, disturbing cash flow of the Electricity Consumers, especially Industrial consumers. Therefore, the ACD charges may kindly be recovered in six (6) equal installments.

The Commission examined the petition and found that the petition is not supported by an affidavit of the petitioner as required under Regulation 14 of JERC (Conduct of Business) Regulations, 2009. Therefore, the Commission sent hearing notice to the parties for 13.11.2013 with direction to the petitioner to file affidavit in support of the petition on or before date fixed.

The Commission held hearings today on 13.11.2013. The Commission called the petitioner many times. But none appeared on behalf of the petitioner. It is already 3:30 PM. Hence further wait is not justified and possible. The petitioner also failed to file affidavit in support of the petition as required under Regulation 14 of JERC (Conduct of Business) Regulations, 2009 and directed by the Commission.

The Commission heard the representative of the respondent at length and has gone through record carefully and thoroughly. The petition is not supported by an affidavit as required under Regulation 14 of JERC (Conduct of Business) Regulations, 2009. Hence, is not in line with the JERC

(Conduct of Business) Regulations, 2009. As none appeared on behalf of the petitioner and no request is received from the petitioner. Therefore, the Commission has no option except to dismiss the petition. Resultantly the petition is dismissed.

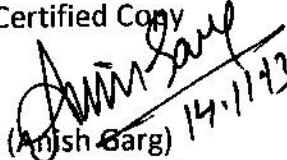
13.11.2013

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


(Anish Barg) 14.11.13
Director (F&L)