

**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: 27.10.2015

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 provisions of 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**

Versus

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

... **Respondent**

Present

For Petitioner

1. Shri Surendra Khot, Sr. V.P. (Legal)- Reliance Infrastructure
2. Shri Hasan Murtaza, Advocate – Reliance Infrastructure
3. Shri Shantanu Dolas, Manager, Reliance Infrastructure
4. Shri Vibhav Agarwal, Reliance Infrastructure

For Respondent

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

ORDER

The Petitioner – Reliance Infrastructure Ltd. has filed the present petition under section 86(1)(f) of the Electricity Act, 2003 for recovery of dues 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 Petition was scheduled for hearing on 27.10.2015. The Commission heard the representatives for the parties.

The Learned Counsel on behalf of the Respondent ED-Goa submitted that Rejoinder to the reply dated 14.09.2015 is under process of obtaining the approval of the Government, for which additional three weeks time is required. Ld. Counsel for Respondent ED-Goa further submitted that the Learned Advocate General, State of Goa was also unable to appear before this Commission today i.e. on 27.10.2015 as he is to appear before the Hon'ble Supreme Court of India in a matter where notice is issued to the Chief Secretary of the State of Goa. Ld. Counsel for Respondent ED-Goa prayed for three weeks time for filing rejoinder to the reply dated 14.09.2015.

The Commission took a serious view of the delay in submission of rejoinder by the Respondent ED-Goa. The Commission considered the request of the Ld. Counsel for the Respondent ED, Goa, acceded to the same and directed the Respondent ED-Goa to file Rejoinder to the reply dated 14.09.2015 within two weeks with advance copy to the other party.

Ld. Counsel for the Petitioner Reliance Infrastructure Limited argued that ED, Goa wants to delay the proceedings, therefore, they be directed to file reply of the main Petition also on or before the next date of hearing.

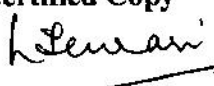
Ld. Counsel appearing for ED, Goa submitted that the application under Section 8 of the Arbitration and Conciliation Act may kindly be disposed off before directing ED, Goa to file reply to the main Petition.

The Commission after hearing representatives for the parties and going through the relevant provisions of law and application of mind on the facts and circumstances came to the conclusion that the application under Section 8 of the Arbitration and Conciliation Act is to be disposed off before directing the Respondent – ED, Goa to file the reply of the main Petition.

Scheduled for hearing on 24.11.2015 at 11.00 hrs at the 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