

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

1. **Shri Bhanu Bhushan, Member**
2. **Shri R.Krishnamoorthy, Member**

Petition No. 10/2000

In the matter of

Petition for fixation of wheeling charges. .

And in the matter of

Madhya Pradesh Electricity Board, Jabalpur

..Petitioner

Vs

Grid Corporation of Orissa Limited, Bhubaneswar

..Respondent

The following were present:

1. Shri Sakesh Kumar, Advocate (Petitioner)
2. Shri D.D.Khandelwal (Petitioner)
3. Shri R.K.Mehta, Advocate (Respondents)

**ORDER
(DATE OF HEARING: 11.3.2008)**

The matter is being re-heard consequent to the judgment and order dated 6.12.2007 in M.A.No. 927/2000 of the High Court of Orissa, Cuttack, relevant portion of which is extracted herein as under:

“Considering the submissions made by the Learned Counsel for both the parties, in my considered view, the pleadings of the respective parties as well as the supporting documents relating to the rival contentions/claims raised by the Leaned Counsels for both the parties, have to be gone into in details for arriving at a just conclusion/decision in the matter. While exercising its appellate jurisdiction, it may not be possible for this court, to go beyond the materials already available on record and also it may not be possible to take a final decision in the matter relating to fixation of price of wheeling charges, keeping in view the rival contentions made by the Learned Counsels for both the parties with regard to so-called agreements etc., which are disputed questions of facts. As such, the Central Electricity Regulatory Commission (CERC), which is an expert body as regards the dispute in question, shall be the better forum/authority to decide the matter, after going through all these disputed questions of fact.”

.....

“It is made clear that I have not gone into nor expressed any opinion on merits with regard to the relief claimed by the Orissa Power Transmission Corporation Ltd.

(OPTCL). The matter shall be decided by the CERC on its merits, on the basis of the materials which are on record and shall be produced by the Learned Counsel for both the parties on the date of hearing. “

2. Heard learned counsel for the parties.
3. The parties may file on affidavit the additional documents, if any, within four weeks. The documents to be filed shall also be exchanged by the parties.
4. List on 8.5.2008 for further directions.

Sd/-
(R.KRISHNAMOORTHY)
MEMBER
New Delhi dated the 13th March 2008

sd/-
(BHANU BHUSHAN)
MEMBER