

CENTRAL ELECTRICITY REGULATORY COMMISSION
Core-3, 6th Floor, Scope Complex, Lodi Road, New Delhi 110 003
Ph: 4364911. Fax: 4360010

Coram:

1. **Shri Ashok Basu, Chairman**
2. **Shri K.N. Sinha, Member**

Petition No. 78/2001

In the matter of

Incentive/Disincentive for Gandhar GPS and Kawas GPS for period up to 31.3.1998.

And in the matter of

National Thermal Power Corporation Ltd.

.... **Petitioner**

Vs

Madhya Pradesh State Electricity Board and others

..... **Respondents**

The following were present:

1. Shri O.P. Sharma, CEA
2. Shri Satish K. Agnihori, Advocate, MPSEB
3. Shri Rohit Singh, Advocate, MPSEB
4. Shri H.K. Upadhyay, Advocate, MPSEB
5. Shri D.S. Goindi CE(Comml.), MPSEB
6. Shri S.P. Degwekar, CO, MPSEB
7. Shri D. Khandelwal, SE (Comml.), MPSEB
8. Shri M.G. Ramachandran, Advocate, NTPC
9. Shri Sharat Kapoor, Advocate, NTPC
10. Shri M.S.Chawla, AGM(C), NTPC
11. Shri S.K. Samui, SM(C), NTPC
12. Shri S.K. Sharma, SM(C), NTPC
13. Shri Sandeep Mehta, NTPC
14. Shri A. Velayutham, MS, WREB
15. Shri K.K. Garg, GM(Comml.), NTPC
16. Shri K.K. Mitra, Director, CEA

ORDER

(DATE OF HEARING 11.8.2003)

This petition for approval of incentive/disincentive in respect of Gandhar GPS and Kawas GPS from the respective date of their commissioning up to 31.3.1998 was disposed of vide order dated 24.10.2002. However, in Review

Petition No. 137/2002, the Commission in its order dated 4.4.2003 had allowed review as regards liability of the petitioner to pay disincentive for the period from 1.8.1996 to 31.3.1998. The petition is accordingly listed for hearing.

2. Shri S.K. Agnihotri, Advocate appearing on behalf of Respondent No.1 has submitted that MPSEB has filed a miscellaneous appeal (No. 1117/2003) against the Commission's order dated 4.4.2003 before Madhya Pradesh High Court, Jabalpur and the High Court by its order dated 8.8.2003 in the said appeal has granted liberty to the Commission to proceed with the hearing of the Petition No. 78/2001, with a further direction that the Commission shall not pass final order therein until further orders. The appeal is listed for final disposal before the High Court on 29.8.2003. Shri Agnihotri has placed before us a copy of the order of the High Court.

3. We have heard the learned counsel for the parties. In view of the order of High Court, a prayer has been made by the learned counsel for the parties for adjournment of the petition on a date after 29.8.2003. Accordingly, hearing of the petition is adjourned. After the decision of the High Court, a copy of the order shall be placed on record by the petitioner and the office shall process the case further in the light of directions and decision of the High Court.

Sd/-
(K.N. SINHA)
MEMBER
New Delhi dated the 13th August 2003

Sd/-
(ASHOK BASU)
CHAIRMAN