

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION No. 259/2010

Sub: Petition under Section 60 of the Electricity Act, 2003 for issuance of appropriate/necessary directions to the respondents.

Date of hearing : 23.9.2010.

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Everest Power Private Limited, Shimla

Respondent : Allian Duhangan Hydro Power Limited, Noida & Others

Parties present : Shri M. G.Ramachandran, Advocate for the petitioner
Shri Tarun Johri, Advocate for the petitioner
Shri S.K.Bhowmick, EPPL

The Petitioner, Everest Power Private Limited has filed this petition under Section 60 of the Electricity Act, 2003 for seeking direction/clarification in the dispute in evacuation of power from its project, Malana-II HEP through the dedicated transmission line constructed by first respondent, Allian Duhangan Hydro Power Limited.

2. Learned counsel for the petitioner submitted that though the petition was filed under Section 60 of the Electricity Act, 2003 (the Act), the Commission has jurisdiction under Section 79 (1) (f) of the Act, which assigns the Commission to adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with the function of regulating the inter-State transmission of electricity as per Section 79 (1) (c) of the Act. Learned counsel further submitted the subject transmission system is an inter-State Transmission System (ISTS) in accordance with the definition of ISTS prescribed in the Act.

3. Learned counsel for the petitioner referred the order dated 27.2.2008 in Petition No. 107/2007 in which the Commission held that it had jurisdiction to hear the adjudicate the matter in terms of Section 79 (1)(c) of the Act. Learned counsel further submitted that the Commission has jurisdiction to adjudicate the matter under Section 60 of the Act also.

4. After hearing learned counsel of the petitioner, the Commission directed to admit the petition and issue notice to the respondents.

5. The applicant was directed to serve copy of the application on the respondents by 27.9.2010, if already not served. The respondents may file their reply by 11.10.2010, with a copy to the petitioner. Rejoinder, if any, may be filed by 22.10.2010.

4. The application shall be listed for hearing on 26.10.2010.

sd/-

(T. Rout)
Joint Chief (Law)