

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

RECORD OF PROCEEDINGS

Interlocutory Application Nos. 4 and 5/2011 in Petition No. 259/2010

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

Date of hearing: 8.3.2011

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

Petitioner: Everest Power Pvt. Ltd (EPPL).

Respondent: Allain Duhangan Hydro Power Ltd (ADHPL) and others

Parties present: Shri. M.G.Ramachandran, Advocate, EPPL
Shri Ankur Gupta, Advocate, EPPL
Shri Jaideep Lakhtakia, EPPL
Shri S.K.Bhowmick, EPPL
Shri Vikas Singh, Sr. Advocate, ADHPL
Shri Nitin Kala, Advocate, ADHPL
Shri C.P.Bhatnagar, ADHPL
Shri U.C.Dubey, ADHPL
Shri Rajiv Kumar, CEA
Shri B.K.Sharma, CEA
Shri Rajiv Porwal, NRLDC
Shri Jyoti Prasad, WRLDC
Shri R.C.Kaundal, HPPTCL
Shri D.P.Sinha, Dept. of Forests, Govt. of H.P.

After hearing the parties, the Commission reserved its orders in Petition No. 259/2010 on 7.12.2010.

2. Subsequently, the petitioner has filed Interlocutory Application No.4/2011 under Regulation 114 of the Central Electricity Regulatory Commission ((conduct of Business Regulations) 1999 for amendment of title of petition in pages 1 and 2 and para 45 of the petition and Interlocutory application No. 5/2011 under Section 94(2) of the Electricity Act, 2003 (the Act) for an interim direction from the Commission in respect of transmission of power generated from the project developed by the petitioner through the 220 kV line developed by respondent No.1, till the final outcome of the main petition.

3. The learned counsel for the petitioner submitted that during the hearing of the petition on 7.12.2010, the parties had made elaborate submissions with regard to the applicability of Sections 79 (1) (a) to (f) of the Act and consequently the prayer for amendment of the petition by incorporation of Section 79(1)(c), (d) and (f) has been made in the Interlocutory Application No. 4/2011 which may be allowed.

5. As regards Interlocutory Application No. 5/2011, the learned counsel for the petitioner submitted that the project was scheduled to be commissioned during the first quarter of the financial year 2011-12 and hence urgent interim orders were required from the Commission to direct the respondent to transmit the power generated from the project, till final adjudication of the matter. The learned counsel also submitted that it would suffer irreparable loss and injury if interim order was not granted and prayed for issuance of directions on the respondent, in the interest of justice.

6. The learned Senior Counsel for the respondent No.1 ADHPL vehemently opposed the prayers of the petitioner in the above applications and submitted that these applications were not maintainable as the Commission was yet to decide the question of jurisdiction in the matter. The learned Senior Counsel however, sought time to file its reply on the said applications.

7. The Commission accepted the prayer and directed the respondent to file its reply with advance copy to the petitioner, on or before 16.3.2011 and the petitioner to file its rejoinder, if any, by 22.3.2011.

8. By consent of the parties, the petition was directed to be listed for hearing on 29.3.2011.

Sd/-
(Dr.N.C.Mahapatra)
Chief Advisor (Law)