

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.139/2012 (Suo-motu)

Coram

1. Dr. Pramod Deo, Chairperson
2. Shri S.Jayaraman, Member
3. Shri V.S.Verma, Member
4. Shri M.Deena Dayalan, Member

DATE OF ORDER: 25.9.2012

In the matter of

Non-compliance of para 18 of order dated 22.9.2011 in Adjudication Case No. 3/2010 by Power Development Department, Jammu and Kashmir.

And

In the matter of

Power Development Department, Jammu and Kashmir
Secretary, Power Development Department, Jammu and Kashmir

Respondents

ORDER

It was noticed that first respondent has not paid the penalty of ₹ one lakh for each of the six instances of non-compliance of the message by NRLDC, which was payable by 22.10.2011 despite issue of reminder dated 8.2.2012.

2. The Commission in its order dated 8.6.2012 had observed as under:

"3. From the above facts, it emerges that the respondent has not complied with the directions of the Adjudicating Officer contained in order dated 22.9.2011 for payment of penalty within one month from the date of issue



of the order. The first respondent is directed to show cause, latest by 20.6.2012, as to why action under Section 142 of the Electricity Act, 2003 should not be taken against it for non-compliance of order dated 22.9.2011. The second respondent is also directed to explain as to why he should not be held personally liable for non-compliance with our order dated 22.9.2011."

3. The respondents had not filed any reply to the show cause notice. The Commission in its order dated 9.7.2012 had further directed as under:

"We direct the second respondent to appear before us on the next date of hearing to explain the reasons for non-compliance with our orders dated 22.9.2011 and 8.6.2012".

4. Shri Sudhansu Pandey, Principal Secretary, Power Development Department, State of Jammu and Kashmir had appeared before the Commission on 10.7.2012 as directed. After hearing Shri Pandey, the Commission vide its order dated 20.7.2012 directed the staff of the Commission to list the petition for further directions after a period of 15 days if the penalty amount is not received by that time.

5. The respondents have complied with our order dated 20.7.2011 and remitted the penalty of ₹ 6 lakh. Accordingly, we discharge the notice against the respondents under Section 142 of the Electricity Act, 2003.

6. Petition No. 139/2012 (suo-motu) is disposed of in terms of the above.

Sd/-	sd/-	sd/-	sd/-
(M.DEENA DAYALAN)	(V.S.VERMA)	(S.JAYARAMAN)	(Dr. PRAMOD DEO)
MEMBER	MEMBER	MEMBER	CHAIRPERSON