

**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 HEARING: 28.6.2012

DATE OF ORDER: 9.7.2012

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

Following were present:

Shri Krishanu Adhikary, Advocate, J & K
Shri Vikas Sharma PDD

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 have not filed any reply to the show cause notice. It therefore, follows that the respondents have not complied with the direction contained in orders dated 22.9.2011 and 8.6.2012.

4. During the course of hearing on 28.6.2012, learned counsel for the respondents requested for two weeks time to file reply to the show cause notice dated 8.6.2012.

5. We are constrained to note that the respondents are not complying with the Commissions directions.

6. 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.

7. The petition shall be listed for hearing on 10.7.2012.

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