

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram**

1. Shri Ashok Basu, Chairperson
2. Shri Bhanu Bhushan, Member
3. Shri A.H. Jung, Member

**Petition No. 40/2006  
along with  
IA No.69/2006**

**In the matter of**

Adjudication of dispute with regard to the amounts payable to Subhas Kabini Power Corporation Ltd by Madhya Pradesh State Electricity Board on account of trading of power

**And in the matter of**

Subhas Kabini Power Corporation Ltd ..... **Petitioner**

**Vs**

Madhya Pradesh State Electricity Board ..... **Respondent**

**And in the matter of**

Adani Enterprises Limited ..... **Applicant**

**The following were present:**

1. Shri U.K. Singhal, SKPCL
2. Shri G.S. Gupta, SKPCL
3. Shri V.N. Subramaniam, SKPCL
4. Shri Vikram Nankani, Advocate., SKPCL/ AEL
5. Shri Jaiveer Shergill, Advocate., SKPCL/AEL
6. Shri G. Umapathy, Advocate., MPSEB
7. Shri RB Mathur, AEL
8. RK Madan, AEL

**ORDER**  
**(DATE OF HEARING: 26.9.2006)**

**IA No. 69/2006**

1. M/s. Adani Enterprises Limited has filed an interlocutory application praying for intervention and hearing in the matter on the ground that the company is as much concerned with the outcome of the dispute raised before the Commission in the instant petition since it also entered into various contracts with the respondent for sale of power. It is averred that decision taken by the Commission will also affect its interests. The respondent, in its reply, has opposed the application for intervention.

2. Heard the counsel for the parties. The question of law raised by the intervenor-applicant is similar to that raised by the petitioner. I.A. No.69/2006 filed by M/s. Adani Enterprises Limited for intervention is allowed.

**Petition No.40/2006**

3. This petition has been filed by the petitioner with the following prayers:

- (a) To adjudicate on the dispute by holding that the Trading Margin Regulations notified on 27.01.06 being prospective in operation shall not apply to the contracts concluded before the notification of the above Trading Margin Regulations and that the Respondent is obliged to pay the price settled between the parties;
- (b) To award interest on the delayed payment at the rate of 18%; and the costs.

(c) To pass such further order or orders as may be deemed just and proper in the circumstances of the case.

6. Heard the learned counsel for the petitioner/intervenor and the respondent. The learned counsel for the respondent submitted that the respondent had entered into similar agreements for purchase of power from other electricity traders, who after publication of the notification on 27.1.2006 have charged trading margin of 4 paise/kWh as decided by the Commission. The respondent is directed to file, within one week, the following details in respect of each of the other contracts concluded prior to the notification of trading margin on 27.1.2006, duly supported by affidavit, with a copy to the petitioner and the intervenor:

- (a) Date of agreement;
- (b) Date of commencement of supply;
- (c) Total quantity of electricity supplied;
- (d) Rate(s) agreed to for supply of power; and
- (e) Rate(s) actually paid before and after notification of the trading margin.

7. Subject to above, the order in the present petition is reserved.

**Sd/-  
(A.H. JUNG)  
MEMBER**

**Sd/-  
(BHANU BHUSHAN)  
MEMBER**

**Sd/-  
(ASHOK BASU)  
CHAIRPERSON**

**New Delhi dated the 26<sup>th</sup> September, 2006**

