

**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.15/2006

In the matter of

Seeking direction to Grid Corporation of Orissa Ltd., not to charge trading margin exceeding 4 paise/kWh, notified by the Commission.

And in the matter of

Shri Gajendra Haldea

..Petitioner

Vs

Grid Corporation of Orissa Ltd, Bhubaneshwar

..Respondent

The following were present:

1. Shri R.K.Mehta, Advocate, GRIDCO
2. Shri Sitiesh Mukherjee, Advocate for Shri Haldea and UPPCL
3. Shri Shaiwal Srivastava, Advocate, MSEDCL

**ORDER
(DATE OF HEARING: 12.12.2006)**

The matter is listed in view of the judgment dated 16.11.2006 of Appellate Tribunal for Electricity in Appeal No.81 of 2006 (Gajendra Haldea Vs Grid Corporation of Orissa Ltd and others). By our order dated 1.12.2006, Grid Corporation of Orissa Ltd. was directed to place on record certain details, which have not been filed.

2. Shri Sitiesh Mukherjee, Advocate is present for the petitioner. He also represents the Uttar Pradesh Power Corporation Ltd., the intervener before the Appellate Tribunal. Shri R.K. Mehta, Advocate represents the respondent. Shri

Shaiwal Srivastava, Advocate appears for Maharashtra State Electricity Distribution Company Ltd., another intervener before the Appellate Tribunal.

3. Shri Mehta, learned counsel has informed that the respondent has filed an appeal before the Hon`ble Supreme Court against the said judgment dated 16.11.2006 and has also filed an application for stay of the judgment. He has stated that the Hon`ble Supreme Court will be closed for Christmas vacation from 16.12.2006 to 2.1.2007. He has sought adjournment till third week of January 2007 to await the order of Hon`ble Supreme Court.

4. We are not inclined to grant the request made by Shri Mehta. As a matter of principle, the Commission is not adjourning matters on the ground of pendency of appeal, unless the order appealed against is stayed by any superior court.

5. In view of the above, Shri Mehta seeks time up to 21.12.2006 for filing of the details called for by the order dated 1.12.2006, without prejudice to the contentions raised in the appeal before the Hon`ble Supreme Court. The representatives of the other parties present have not objected to the prayer made by Shri Mehta for extension of time for filing of the details.

6. Let the necessary details be filed by 21.12.2006, as prayed for.

7. List on 28.12.2006 for further directions.

Sd/-
(A.H. JUNG)
MEMBER

sd/-
(BHANU BHUSHAN)
MEMBER

sd/-
(ASHOK BASU)
CHAIRPERSON

New Delhi dated the 12th December, 2006