



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 342/2010

Petition No.: 04/2010

ORDER SHEET

05.08.2016

Before the Assam Electricity Regulatory Commission
ASEB Campus, Dwarandhar,
G. S. Road, Sixth Mile, Guwahati – 781 022

M/s Eastern India Powertech Limited (EIPL) ----- Petitioner
Assam Power Distribution Company Ltd. (APDCL) ----- Respondent

Counsel for Petitioner:

Mr. R Kumar, CFO, EIPL
Mr. G. Sivasankaran, VP (Operation),
EIPL
Mr. D Senapati, Advocate
Mr. A Chetia, Advocate

Counsel for Respondent:

Mr. M. C. Gogoi, CGM (Com), APDCL
Mr. K Talukdar, GM (TRC), APDCL
Mr. A D Choudhury, Advocate
Mr. D Choudhury, Advocate

In the matter of

Hearing dated 05.08.2016 on the Petition No. 4 of 2010 filed by M/s Eastern India Powertech Limited in the matter of commercial disputes and Non Payment of contractually due payments by ASEB/APDCL to EIPL

CORAM

Shri Naba Kr. Das Chairperson
Shri Dipak Chakravarty, Member
Shri Subhash Ch. Das, Member

ORDER

1. A Hearing was held on 05th August, 2016, on the Petition No 04 of 2010 filed M/s Eastern India Powertech Limited in the matter of commercial disputes and Non Payment of contractually due payments by ASEB/APDCL to EIPL.
2. Before starting the proceedings, the Commission sought views of the Petitioner and Respondent, whether they have any objection to the Coram of Commission Hearing the matter. The Petitioner and Respondent mentioned that they do not have any objection to the Coram.
3. The advocate on behalf of the Petitioner (EIPL) submitted a brief presentation highlighting salient points raised vide the Petition No 04 of 2010.
4. Thereafter, the representative of the Respondent (APDCL) prayed the following:
 - a. APDCL would need some time for submission of their detailed views and comments on the Petition 4 of 2010 filed by EIPL.
 - b. There are two other matters, one is related to Request made by EIPL for invocation of Section 11(2) of the Electricity Act'2003 (registered as Petition No. 13 of 2015) and the other is matters arising out of directive to the Commission by APTEL vide APTEL Order dated 18/05/2016 (registered as Petition No 3/2016, 4/2016 & 5/2016), which are interlinked to this case. Therefore, all three matters may be treated together and combined proceedings may accordingly be done.

5. The Commission mentioned that as per Law, the Commission may appoint an Arbitrator in the present case. However, sought views of the Petitioner and Respondent on appointment of Arbitrator in the present case. The Petitioner mentioned that, they do not have any objection to that. However, the Respondent prayed for allowing them to submit their views along with the Reply to be submitted on the Petition.

The Commission heard both the Petitioner & Respondent and ordered the following:

- The Respondent to submit its views and comments on the Petition 4 of 2010 on or before 17th August, 2016
- The Petitioner to submit rejoinder to the submissions of the Respondent on or before 24th August, 2016
- Both the Petitioner and Respondent will make submissions in the Format prescribed vide Regulations of the Commission and will provide copies of their submissions to the opposite party.

The matter will be posted for further Hearing on 1st September, 2016.

Sd/-
(Subhash Ch.Das)
Member
AERC

Sd/-
(Dipak Chakravarty)
Member
AERC

Sd/-
(Naba Kumar Das)
Chairperson
AERC