



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 342/2010/Pt-I

Petition No.: 04/2010

ORDER SHEET

19.07.2017

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-1

Govt. of Assam represented by the Secretary, Dept of Power-----Respondent-2

Date of Hearing: 19.07.2017

Counsel for Petitioner:

Ms. Ankita Agarwal, Advocate, EIPL

Representativefor Respondent-1:

Mr. T.N.Dev Choudhury, CGM (Com)
Mr. A K Goswami, GM (TRC)
Mr. J.P. Choudhury, AGM (TRC)
Mr. Nilmadhab Deb, Asst. Manager (F&A)
Mr. Mridul Bhattacharya
Mr. Avijit Roy, Advocate, APDCL

Representative for Respondent-2:

Absent

In the matter of

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

ORDER

1. The Commission initiated the Hearing stating that, no substantial issue regarding the Petition 4/2010 will be discussed as one of the Member of the Commission is on leave.
2. The Counsel of the Petitioner requested the Commission to resolve the issue related to impleading Govt. of Assam. The Commission opined that decision on impleading Govt. of Assam will not have substantial affect on the Adjudication process at this point of time. However, the Commission will take a view on the matter at an appropriate time.
3. The Counsel of the Respondent-1 submitted the following:
 - a. In absence of plant-wise allocation of different cost parameters duly reconciled with audited annual accounts, any claim cannot be substantiated.

- b. The Petitioner were required to maintain all records related to their claim and submission of those records are required for the maintainability of their claim.
 - c. Requested the Commission to direct the Petitioner to submit entire data and records as sought by the Commission vide letter dated 30.11.2016 together, so that a consolidated comment on the submissions may be made.
4. The Commission after hearing the parties has ordered the following:
- a. The decision on impleading of Govt. of Assam will not have substantial affect on the Adjudication process at this point of time. However, the Commission will take a view on the matter at an appropriate time.
 - b. The Petitioner and Respondent-1 should submit the balance information, data & document sought vide AERC Letter No. AERC.342/2010/Pt-I/1 and AERC Letter No. AERC.342/2010/Pt-I/2 dated 30.11.2016 issued to the Petitioner and Respondent-1 respectively and additional information, if any, on or before 31.08.2017.
 - c. As the Commission in previous hearing decided to adjudicate the commercial dispute between the Petitioner and the Respondent-1, the Petitioner has to submit the adjudication fees as per AERC (Payment of Fees etc.) Regulations, 2015.
 - d. The Petitioner and Respondents 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 is posted for further Hearing on 14th September, 2017.

(Dipak Chakravarty)
Member
AERC

(Naba Kumar Das)
Chairperson
AERC