



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 342/2010

Petition No.: 04/2010

ORDER SHEET

24.10.2016

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

Date of Hearing: 24.10.2016

Counsel for Petitioner:

Mr. G. Sivasankaran, EIPL
Mr. Ram Kumar, EIPL
Mr. G.N.Sahewalla, Sr. Advocate, EIPL
Mr. D. Senapati, Advocate, EIPL
Ms. Ankita Agarwal, Advocate, EIPL

Representative for Respondent:

Mr. K Talukdar, GM (TRC), APDCL
Mr. HM Sharma, GM, APDCL
Mr. M Bhattacharyya, APDCL
Mr. Avijit Roy, Advocate, APDCL

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
Shri Subhash Ch. Das, Member

ORDER

1. The Commission in its Order dated 01.09.2016 on the Petition No 04 of 2010 had reserved its decision in the matter of prayer of the Petitioner for making the State of Assam represented by the Secretary, Dept of Power, Dispur, Guwahati-6 as Respondent-2 and ordered both the Petitioner and Respondent to submit list of components of PPA which contradict with Gol notification dated 30/03/1992, examine and submit their views & comments regarding adoption of principles of Tariff Order of FY 2008-09 dated 20.10.2011 for the period of Commercial dispute i.e. since COD till FY 2007-08 as an option for resolving the dispute faster.
2. The Commission during the Hearing agreed to the Petitioner's prayer for making the Govt. of Assam represented by the Secretary, Dept of Power, Dispur, Guwahati-6 as Respondent-2 as the Govt. of Assam issued a State Government Guarantee with regard to the PPA signed between the parties.
3. The Commission enquired about other submissions to be made by the Petitioner & Respondent. The Respondent stated that, they have submitted

their replies on 21.10.2016 & have served copies to the Petitioner. The Petitioner stated that they will be submitting their replies after the Hearing.

4. The Commission heard both the Petitioner & Respondent and ordered the following:
 - I. The prayer of Petitioner to implead the State of Assam represented by the Secretary, Dept of Power, Dispur, Guwahati-6 as Respondent-2 is allowed and the Govt. of Assam is hereby made Respondent-2. Accordingly, APDCL is hereby made Respondent-1.
 - II. The Respondent-2 is required to submit their views and comments on the Petition 4 of 2010 on or before 15.11.2016.
 - III. The Petitioner & Respondent-1 is required to submit rejoinder, if any on or before 11.11.2016.
 - IV. The Petitioner and Respondents will make submissions as per the provisions of the Regulations of the Commission and will provide copies of their submissions to the opposite party.

The matter is posted for further Hearing on 18th November, 2016.

Sd/-
(Subhash Ch.Das)
Member
AERC

Sd/-
(Dipak Chakravarty)
Member
AERC

Sd/-
(Naba Kumar Das)
Chairperson
AERC