

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT AHMEDABAD**

Petition No.972/2009

In the matter of: Petition u/s 86(1) (f) of the Electricity Act – 2003.

Petitioner: Gujarat Urja Vikas Nigam Limited
Sardar Patel, Vidyut Bhavan,
Race Course,
Baroda
V/s.

Respondent: Essar Power Limited
Essar house,
P.O.Box No: 7945
Mahalaxmi Road,
Mumbai – 400034.

CORAM:

Shri Pravinbhai Patel, Member (Tech)
Dr. M.K. Iyer, Member (Fin.)

ORAL ORDER

1. The matter was called out on 17/09/2011. Learned Advocate Shri Anand Ganesh alongwith Smt Shilaja Vachharajani and S/Shri Rakesh Soni, S.S.Mistri were present on behalf of the petitioner. Learned Advocate Shri Kirtikant Nanavati was present on behalf of the respondent.
2. Learned Advocate Shri Anand Ganeshan on behalf of the petitioner submitted that the judgement of Hon'ble Appellate Tribunal for Electricity, New Delhi, which was challenged by the petitioner, is pending before the Hon'ble Supreme Court of India. Hence, the Commission is requested to adjourn the matter sine-die, till the final Judgment is passed by Hon'ble Supreme Court of India in the matter.



3. Learned Advocate Shri Kirtikant Nanavati, on behalf of the respondent concurred the submission made by the petitioner. He further submitted that Civil Appeal No. 3454 of 2010 filed against Hon'ble Appellate Tribunal for Electricity decision dated 22.02.2010 in Appeal No. 77 of 2009 regarding limitation is dismissed, while Civil Appeal No. 3455 of 2010 has been admitted. Hence, the appeal against the judgment of Hon'ble Appellate Tribunal for Electricity in Appeal No. 77 of 2010 is still pending. Hence, the Commission may adjourn the matter as sine die.
4. We have carefully considered the submission made by the parties. The petitioner and the respondent have requested to adjourn the matter till the final decision of the Hon'ble Supreme Court of India. Since the matter is pending before the Hon'ble Supreme Court of India and both the parties requested to adjourn the matter, the matter is adjourned sine die with a direction to the both the petitioner and the respondent to intimate to the Commission about the status of the case pending before the Hon'ble Supreme Court of India from time to time.
5. We order accordingly.
6. The next date of hearing will be intimated separately.

Sd/-
(Dr.M.K.IYER)
MEMBER (FIN)
Place: Ahmedabad
Date : 20/09/2011

Sd/-
(PRAVINBHAI PATEL)
MEMBER (TECH)

