

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1520 of 2015.

In the Matter of:

Petition under Section 86, 129 read with Section 146 of the Electricity Act, 2003.

Petitioner : M/s Aatash Power Private Limited
213, Devarc Commercial Complex
Near Iscon Circle, S. G. Highway
Ahmedabad - 380 059.

Represented by : Nobody was present

V/s.

Respondent : Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan
Race Course Circle, Vadodara - 390 007.

Represented By : Ld. Adv. Mr. Aneesh Bajaj along with Mr.
Kamlesh Shah

CORAM:

**Pankaj Joshi, Chairman
Hiren Shah, Member**

Date: 17/01/2026.

DAILY ORDER

1. The present Petition was listed for hearing on 08.01.2026.

2. When the matter was called out, nobody appeared on behalf of the Petitioner, despite of the hearing notice was issued to the Petitioner.
3. Ld. Adv. Mr. Aneesh Bajaj appearing on behalf of Respondent GUVNL submitted that during the earlier hearing in the present matter, the Counsel appearing for the Petitioner submitted that EMCO Limited has filed the review Petition against the judgement dated 02.02.2016 in Civil Appeal No. 1220 of 2015. However, the Respondent GUVNL is not able to locate the said review Petition nor received any notice from the Hon'ble Supreme Court. He further submitted that in the present Petition No. 1520 of 2015, the Petitioner is relying upon the Order dated 08.08.2013 passed by the Commission in similar case of EMCO Limited which was also upheld by the Hon'ble APTEL in its Judgement dated 20.11.2014 in Appeal No. 252 of 2013 filed by the Respondent GUVNL. It is further submitted that GUVNL has challenged the Hon'ble APTEL's Judgement in Appeal No. 252 of 2013 and Order dated 08.08.2013 of the Commission in the EMCO Limited before the Hon'ble Supreme Court of India by filing CA No. 1220 of 2015 and the Hon'ble Supreme Court of India vide Judgement dated 02.02.2016 decided the matter in favour of the Respondent GUVNL and set aside the Hon'ble APTEL's Judgement and Commission's Order dated 08.08.2013. It appears that the Petitioner's Petition is solely relying on the Commission's Order dated 08.08.2013 and Hon'ble APTEL' Judgement dated 20.11.2014, hence the present Petition does not survive. However, the Commission may provide an opportunity of the hearing to the Petitioner to clear its stand in pursuant to the Hon'ble Supreme Court's Judgement dated 02.02.2016.

4. The Commission notes that the present Petition has been filed by the Petitioner under Sections 86 and 129 read with Section 146 of the Electricity Act, 2003; however, the record reveals repeated non-prosecution on the part of the Petitioner, in as much as when the matter was first listed on 07.11.2015, an adjournment was sought on the ground of personal difficulty of the arguing counsel and the Commission, in the interest of justice and to afford opportunity of hearing, adjourned the matter vide Daily Order dated 16.11.2015, yet on 05.04.2016 none appeared for the Petitioner and, therefore, the Commission vide Daily Order dated 06.04.2016 again granted opportunity to the Petitioner before taking any view on the submission of GUVNL that the Petition have become infructuous in view of the judgment of the Hon'ble Supreme Court dated 02.02.2016 in Civil Appeal No. 1220 of 2015, and adjourned the proceedings; thereafter, even on 07.05.2016, the Petitioner sought further adjournment which was not objected to by the Respondent and was accordingly granted, but subsequently on 25.11.2016 the Petitioner again remained absent and, upon considering the Respondent's submissions, the Commission directed the parties to intimate the outcome of the review petition as and when decided by the Hon'ble Supreme Court along with a copy of the order/judgment; nevertheless, even thereafter, today 08.01.2026 despite service of hearing notice, the Petitioner chose not to appear, thereby demonstrating lack of diligence and persistent failure to prosecute the matter.

4.1. We note that the Petitioner has not remained present today and the Respondent GUVNL has requested to the Commission to provide an opportunity of the hearing to the Petitioner to clear its stand in pursuant

to the Hon'ble Supreme Court's Judgement dated 02.02.2016 in the present matter. We also note that the matter is prolonged for one or other reasons due to adjournment sought by the Petitioner wherein the Respondent have no objection. Now we decide to provide one last opportunity of hearing prior to deciding the matter and adjourn the matter on account of non-appearance of the Petitioner. We direct the Petitioner M/s Aatash Power Pvt. Limited to remain present during the next date of hearing. We also make it clear that if the Petitioner does not remain present during the next date of hearing, the Commission will decide the matter based on the records of the present Petition and no further adjournment shall be granted.

5. The next date of hearing will be intimated separately.
6. Order accordingly.

Sd/-
[Hiren Shah]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.

Date: 17/01/2026.