

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2092 of 2022.

In the Matter of:

Petition under Sections 42, 43, 50, 86 & other applicable provisions of the Electricity Act, 2003 read with GERC (Electricity Supply Code and Related Matters) Regulations, 2015, GERC (Standard of Performance of Distribution Licensee) Regulations 2005 and other applicable Regulations of the GERC for seeking deemed extension of time for completion of 66 KV transmission line for 5000 KVA contract demand on post-facto basis and consequently directing MGVL to consider 60 days' notice period from the deemed extended date and to refund minimum demand charges levied by MGVL on deemed release basis on 5000 KVA contract demand till physical release of connection.

Petitioner : Virgo Aluminum Limited.

Represented By : Mr. D. S. Doshi

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented By : Ld. Adv. Ms. Harini Subramani alongwith Mr. J. R. Shah

Respondent No. 2 : Gujarat Energy Transmission Corporation Limited

Represented By : Ld. Adv. Ms. Harini Subramani alongwith Mr. Vasant Patel

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 12/12/2022.

DAILY ORDER

1. The above matter was heard on 06.12.2022.
2. Mr. D. S. Doshi appearing on behalf of the Petitioner submitted that during the previous hearing on 10.10.2022, full bench of this Commission having heard the

parties at length in present matter has passed Daily Order dated 12.10.2022. Referring to para 5 of said Daily Order it is submitted that after noting that similar matters i.e. Petition No. 1816 of 2019, 1826 of 2019 and 1858 of 2020 have been heard by the different bench of the Commission consisting of Hon'ble Member M. M. Gandhi and Hon'ble Member S. R. Pandey it has been decided to place this matter also before the same bench for consideration and to decide the subject matter. Moreover, the staff of the Commission was also directed to place the matter before the above bench for decision in this matter and accordingly, it seems that this matter has come up before said bench comprising of Hon'ble Members.

- 2.1. It is further submitted that as such the matter has been argued by both parties during previous hearing and was accordingly heard by the bench which includes current bench of the Hon'ble Members. Since, the question regarding admissibility, maintainability and jurisdiction of this Commission to deal with the matter has arisen similar to other cases i.e. Petition No. 1816 of 2019, 1826 of 2019 and 1858 of 2020 and having heard the parties, this matter may also be reserved for decision and order in regard to admissibility, maintainability and jurisdiction since the Petitioner has no objection with regard to decision on aforesaid aspects by this bench consisting of Hon'ble Member M. M. Gandhi and Hon'ble Member S. R. Pandey and to deal with the matter. Accordingly, no further submissions are required to be made by the Petitioner and this matter may also be decided on basis of the pleadings, written submissions etc. on record of the matter and oral arguments already advanced. Thereafter, depending upon the decision by the Commission, the matter may be kept for hearing on merits.
3. Ld. Adv. Ms. Harini Subramani appearing on behalf of the Respondents while agreeing to the submissions made on behalf of the Petitioner submitted that no further submissions are required to be made on behalf of the Respondents because preliminary objections have already been adequately raised regarding admissibility, maintainability and jurisdiction of this Commission not only in this matter but also in similar matters as above, which may be considered by the Commission for the present matter as well. Moreover, the Respondents also have no objection with regard to decision on aforesaid aspects by current bench of this Commission on basis of the pleadings, written submissions etc. on record of the matter and oral arguments already advanced. Accordingly, this matter may also be reserved for decision and order in regard to admissibility, maintainability and jurisdiction of this Commission to deal with the matters.
4. Having heard the submissions & arguments advanced by the Petitioner and the Respondents on the aspect of preliminary objections raised by the Respondents regarding admissibility, maintainability and jurisdiction of this Commission to deal with this Petition and considering the submissions made by both parties that there is no objection with regard to decision & order by us on aforesaid aspects on basis

of the pleadings, written submissions etc. on record of the matter and oral arguments advanced in this regard. Accordingly, we decide to reserve this matter for decision and order in regard to admissibility, maintainability and jurisdiction of this Commission to deal with the matter. The parties are also at liberty to file their further submission limited to above aspects, if any, within weeks' time from date of this Order.

5. The next date of hearing, if any, as may be required depending upon the decision on above aspects will be intimated separately.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 12/12/2022.

