

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Review Petition No. 03 of 2023
in Petition No. 31 of 2023
Date of Hearing: 19.07.2023
Date of Order: 19.07.2023

Petition under Section 94 (1) (f), 86 (1) (f) and other applicable provisions of the Electricity Act, 2003, read with Regulation 64 of the PSERC Conduct of Business Regulations, 2005, seeking review/vacation of the Order dated 01.06.2023 passed by this Hon'ble Commission in Petition No. 31 of 2023

AND

In the Matter of: Punjab State Power Corporation Limited, PSEB Head Office, The Mall, Patiala, Pb. 147001

.....Petitioner

Versus

GVK Power (Goindwal Sahib) Limited

....Respondent

Commission: Sh. Viswajeet Khanna, Chairperson
 Sh. Paramjeet Singh, Member

PSPCL: Sh. Anand K Ganesan, Advocate
 Ms. Harmohan Kaur, CE/ARR&TR
 Sh. Jiwan Kumar Jindal, Sr.Xen
 Sh. Vineet Verma
 Sh. Sunil Kumar

GVK: Sh. Janmali Manikala, Advocate

ORDER

GVK filed petition No. 31 of 2023 praying for quashing the notice dated 17.05.2023 issued by PSPCL. GVK also filed IA No. 08 of 2023 alongwith the petition praying to stay the operation of the impugned notice dated 17.05.2023. The petition alongwith IA was taken up for hearing on 31.05.2023. After hearing the Ld. Counsel for the parties, petition was admitted and PSPCL was directed to file its reply to the petition as well as the IA within two weeks and rejoinder thereto by the petitioner within two week thereafter. In the Interim, pending reply of PSPCL, the operation of the impugned notice dated 17.05.2023 was stayed till the next date of hearing i.e. 19.07.2023.

PSPCL has filed the present Review Petition seeking vacation of the Interim Order dated 01.06.2023 passed by the Commission in Petition No. 31 of 2023 staying the operation of its notice dated 17.05.2023 submitting that the Order dated 01.06.2023 has been passed by the Commission in contravention of the past Orders dated 21.05.2018 and 12.09.2019 passed by the Commission in Petition No. 47 of 2017 and 37 of I.O -1

2018 respectively. Moreover, notice dated 17.05.2023 has been acted upon prior to the Interim Order dated 01.06.2023 and the amount has already been recovered from GVK.

The Ld. Counsel for PSPCL submitted that now its review petition has lost value as the impugned Interim stay order dated 01.06.2023 was applicable only till today. On the other hand, the Counsel for the GVK sought directions be given to PSPCL to refund the penalty deducted by PSPCL before issue of the stay order.

The Commission has examined the submissions made by the parties. The Petitioner sought quashing of the notice dated 17.05.2023 in Petition No. 31 of 2023. The Order dated 01.06.2023 was passed by the Commission on IA No. 08 of 2023 in Petition No. 31 of 2023 on the basis of the facts represented by the party which was effective only upto the next date of hearing i.e. 19.07.2023. The final Order with regard to the validity of notice dated 17.05.2023, is yet to be passed in petition No. 31 of 2023 considering all the aspects of the matter. As the Order dated 01.06.2023 staying the operation of the notice was effective only upto 19.07.2023, the present review petition challenging the same does not survive and therefore the Review Petition has become infructuous.

The Review Petition is disposed of accordingly.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **19.07.2023**