

**JOINT ELECTRICITY REGULATORY COMMISSION FOR
THE STATE OF GOA AND UNION TERRITORIES
GURGAON**

Coram
Dr. V.K. Garg, Chairperson
Sh. S.K.Chaturvedi, Member
Petition No. 89/2012

In the matter of

Petition for fixation of completed / actual capital cost of project and Tariff of the project of the petitioner- a Power Generating Company under Regulations 3(2)(a), 3(4), 12 and 36 of the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Terms and Conditions for determination of Tariff) Regulations, 2009 read with sections 62(1) (a) and 63 of the Electricity Act, 2003.

And in the matter of

M/s Suryachakra Power Corporation Ltd.
Suryachakra House,
Plot No. 304-L-III, Road No.78,
Film Nagar, Jubilee Hills,
Hyderabad- 500096

Vs.

1. Electricity Department,
Rep. by its Superintending Engineer,
Port Blair, Andaman & Nicobar Islands.
2. Chief Secretary,
Andaman & Nicobar Administration Secretariat, Port Blair,
Port Blair, Andaman & Nicobar Islands.

Present for petitioner

1. Dr. S.M. Manepalli, MD, SPCL.
2. Shri K. Vijay Kumar, Executive Director, SPCL.
3. Shri Sakesh Kumar, Advocate, SPCL.
4. Shri Rohit Rao. N, Advocate, SPCL.

Present for respondents

1. Shri B.L. Sharma, Secretary (Finance), Andaman & Nicobar Islands

2. Shri Suresh K Bhandari, Secretary (Power), Andaman & Nicobar Islands.
3. Shri Anand Behari, Superintending Engineer, ED- Andaman & Nicobar Islands.
4. Shri M. Jagannathan, AE, ED- Andaman & Nicobar Islands.
5. Shri Arvind Tewari, Consultant, ED- Andaman & Nicobar Islands.

Order

Date 20.03.2013

1. The representatives of the petitioner submitted that at page no. 4 in para no. 11 of 3rd line of the order dated 12.03.2013 the Commission erroneously mentioned word "Petitioner" instead of "Respondent" and prayed for correction in the order dated 12.03.2013.
2. The Commission heard the representatives of the petitioner and has gone through the order dated 12.03.2013, specially para no. 11 of the order and considered the submissions. The Commission observed that para no. 11 of the order dated 12.03.2013 is in line with the pleadings of the parties, order dated 18.02.2013 and Annexure "A" of the order dated 12.03.2013. The Commission did not find any error in the order.
3. The petitioner in compliance of the order dated 12.03.2013 submitted that in pursuant to the said order they approached their bankers for furnishing requisite Bank Guarantee. State Bank of India in their letter dated 13.03.2013 stated that sanction order is required for furnishing the Bank Guarantee. But the respondents have not issued any sanction order. The respondents have not complied their part of the order dated 12.03.2013.
4. The respondents produced copies of the sanction order no. 909 dated 19.03.2013 and letters no. EL/PL/1-43 (b)(LC)/2013/1429 dated 16.03.2013, L/PL/1-43 (b)(LC)/2013/1430 dated 16.03.2013 and EL/PL/1-43 (b)/2013/1431 dated 16.03.2013 and format of Bank Guarantee. A perusal of the documents produced by the respondents shows that the order dated 12.03.2013 of the Commission is complied in part.
5. The Commission heard the representatives of the parties at length and has gone through the file as well as orders of the Commission dated 18.02.2013 and 12.03.2013 carefully and thoroughly and applied mind on the facts and circumstances of the present case.

The Commission observed that strangely, the Department has an indifferent attitude to solve the problem. The Commission expressed its concern in the earlier orders

and now regrets to observe that only a part of the order has been complied as late as 19.03.2013, what should have been done following the Commission order of 18.02.2013 despite fragile condition of the generators and power supply to the people of island. The matter has been lingering on since almost a decade and needs immediate solution.

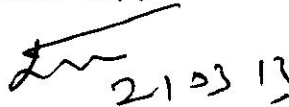
6. The representatives of the parties requested for 15 days time for complete compliance of the orders dated 18.02.2013 and 12.03.2013.
7. The respondents are directed to:-
 - i. operationalise the order of the Commission dated 18.02.2013 in letter and spirit by 31.03.2013 for overhaul of the generators to provide uninterrupted power supply to the public;
 - ii. ensure settlement of long pending arrears issue in terms of the orders dated 18.02.2013 and 12.03.2013.

Scheduled for hearing on 02.04.2013 at 11:00 AM.

Sd/-
(S.K.Chaturvedi)
Member

Sd/-
(Dr. V.K. Garg)
Chairperson

Certified Copy



(R.K. Malik)

Secretary

R. K. Malik
Secretary
Joint Electricity Regulatory Commission
For State of Goa and Union Territories
Vani, Ra Nikunj, 2nd Floor, Udyog Vihar, Ph-V
Gurgaon-122016, Haryana