

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**Appeal No. 156 of 2007**

**Dated: 18<sup>th</sup> December, 2009**

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Ms. Justice Manju Goel, Judicial Member**

**B.M. Verma ... Appellant (s)  
Versus ... Respondent (s)  
Uttarakhand Electricity Regulatory Commission**

Counsel for the Appellant (s) : Mr. Anand K. Ganesan &  
Ms. Swapna Seshadri

Counsel for the Respondent (s) : Mr. Suresh Tripathi for UERC  
Mr. B.C. Pandey for UPCL

**ORDER**

Consequent to the divergence of the opinion between the Hon'ble Judicial Member and the Hon'ble Technical Member, leading to the delivery of two separate Judgments dated 5.8.2009, the matter has been referred to the Chairperson for taking further action under Section 123 of the Electricity Act.

Accordingly, the Chairperson took up the matter and heard the learned counsel for both the parties. By order dated 17.12.2009, the Chairperson delivered the Judgment concurring with the Judgment of the Hon'ble Judicial Member. Further, the Chairperson directed the Registry to post the matter today before the First Bench consisting of Chairperson and Justice Manju Goel for considering the question regarding the quantum of Penalty and for passing final Orders. Further,

it was directed that the Appellant should be present before this Bench to explain the circumstances, which may be considered for passing the Order for reduction of the Penalty amount.

Accordingly, the matter is taken up today. Though the learned counsel for the Appellant is present, unfortunately, the Appellant is not present.

The learned counsel for the Appellant would submit that there is some personal difficulty for the Appellant to be present, and so he could not appear today. However, he prayed that this Hon'ble Tribunal may consider for the reduction in the quantum of Penalty, taking note of the fact that the Appellant has been facing the proceedings before the State Commission as well as before this Tribunal from 2007 onwards and he has undergone the ordeal during this period.

In the light of the above submissions, we pass the final Order, which is as follows:-

- 1) The finding given by the State Commission with reference to the act of violation committed by the Appellant to the effect that he is personally liable is confirmed.
- 2) The Penalty of Rs.500/- per day basis in the event of default of deposit of the Penalty amount is set aside.

- 3) Taking into the consideration the circumstances pointed out by the learned counsel for the Appellant today as well as the circumstances mentioned in the earlier order dated 17.12.2009 passed by the Chairperson, we deem it appropriate to reduce the Penalty from Rs. 20,000/- to Rs. 10,000/-. Accordingly, Ordered.
- 4) We direct that the said Penalty of Rs.10,000/- (Rupees Ten thousand only) be deposited before the State Commission within 10 days from the date of the receipt of the Order.

With these observations, the Appeal is disposed of.

**(Ms. Manju Goel)**  
**Judicial Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**