

**COURT-II**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(APPELLATE JURISDICTION)**

**ORDER IN APPEAL NO. 103 OF 2016**  
**ON THE FILE OF THE**  
**APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI**

**Dated: 29<sup>th</sup> January, 2019**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member**  
**Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

**In the matter of:**

**Punjab Alkalies & Chemicals Ltd**

S.C.O.125-127, Sector17-B,  
Chandigarh – 160 017

..... Appellant

***VERSUS***

**1. Punjab State Electricity Regulatory Commission**

Through it's Secretary  
S.C.O. No. 220-221, Sector 34A,  
Chandigarh

**2. Punjab State Power Corporation Ltd.**

Through it's Secretary  
The Mall, Patiala  
Punjab

**3. The State of Punjab**

Through it's Secretary  
Department of Power  
Mini Civil Secretariat, Punjab  
Sector 9,  
Chandigarh

..... Respondents

Counsel for the Appellant (s) : Mr. Soayib Qureshi  
Mr. Naman Tandon

Counsel for the Respondent(s): Mr. Sakesh Kumar for R-1

Ms. Swapna Seshadri  
Ms. Parichita Chowdhury  
for Mr. Anand K. Ganesan for R-2

**The Appellant has presented the instant Appeal seeking the following reliefs:**

- (a) The appeal may be allowed and the Impugned Order and judgment dated 05.06.2015 passed by the Ld. Punjab State Electricity Regulatory Commission in Petition No. 2 of 2015, Punjab Alkalies & Chemicals Ltd. vs. Punjab State Power Corporation Ltd. & Anr. be set aside; and
- (b) Any other just and equitable relief in favour of the Appellant as deemed fit by the Hon'ble Tribunal.

**The Appellant has presented this Appeal for considering the following Questions of Law:**

- A. Whether the Impugned Order is bad in law and deserves to be set aside?
- B. Whether the Ld. Commission erred in holding that differentiating tariff as provided in Section 62(3) of the Electricity Act cannot be applied in the facts and circumstances of the present case?

- C. Whether the Ld. Commission has erred in holding that the Commission does not agree to the proposal of creating a separate category in respect of Chlor Alkali Industries?
- D. Whether the Ld. Commission erred in not allowing the same facility extended to National Fertilizers Limited, to be extended to the Appellant Company so as to enter into an agreement with Hydro Power Generation Plant as has been done in the case of National Fertilizer Limited?

## **ORDER**

### **PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER**

1. In the instant Appeal, Punjab Alkalies & Chemicals Ltd (in short, the "Appellant") is questioning the legality and validity of the impugned Order dated 05.06.2015 passed by the Punjab State Electricity Regulatory Commission, Chandigarh in Petition No. 2 of 2015, in the case of Punjab Alkalies & Chemicals Ltd v Punjab State Power Corporation Ltd & Anr.

2. The learned counsel, Mr. Soayib Qureshi, appearing for the Appellant, on instruction, submitted that, the instant Appeal, being Appeal No. 103 of 2016 filed by the Appellant may kindly be disposed of reserving liberty to the Appellant to redress his grievance by submitting a comprehensive representation to the competitive authority of the State Government within a period of four weeks from the date of the issue of this

order. In the event, the said comprehensive representation is filed by the Appellant before the competent authority of the State Government, the competitive authority of the State Government is directed to consider the same sympathetically in accordance with law.

3. ***Per-contra***, the learned counsel, Mr. Sakesh Kumar, appearing for the first Respondent/State Commission and the learned counsel, Ms. Swapna Seshadri, appearing for the second Respondent/PSPCL, *inter-alia*, contended and submitted that, the submission of the learned counsel for the Appellant, as stated supra, may kindly be taken on record and an appropriate order may be passed to meet the ends of justice.

4. Submissions of the learned counsel for the Appellant and the learned counsel for the Respondent Nos. 1 and 2, as stated supra, are placed on record.

5. We have heard the counsel appearing for the Appellant and the Respondent Nos. 1 and 2.

6. Third Respondent, though served, is unrepresented.

7. In the light of the submission made by the learned counsel for the Appellant and the Respondent Nos. 1 and 2, as stated above, the instant appeal filed by the Appellant stands disposed of reserving liberty to the Appellant to redress his grievance before the appropriate competent authority of the State Government by filing a comprehensive representation for redressal of their grievance within a period of four weeks from the date of the receipt of this order.

8. In the event such representation is filed by the Appellant, the competent authority of the State Government is directed to consider the same sympathetically and pass an appropriate order in accordance with law keeping in view the facts and circumstances of the case as expeditiously as possible.

9. With these observations, the instant appeal filed by the Appellant on the file of the Appellate Tribunal for Electricity, New Delhi stands disposed of.

Order accordingly.

**(Ravindra Kumar Verma)**  
**Technical Member**

*vt/kt*

**(Justice N.K. Patil)**  
**Judicial Member**